

Kashmir Through Ages

Volume-4

Political Problems

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Preface

The valley of Kashmir, Ladakh and Jammu ruled by Hindu, Muslim, and Dogra rulers pose a serious problem on account of their geographical situation. Its beautiful and scenic beauty of mountains, rivers, lakes, several kinds of fruit, flora and fauna and healthy climate, attract the attention of millions of tourists from all over the world. Rightly compared with Switzerland in many ways, people throng here to enjoy their time at several places which indeed have historical and religious importance. You may find here old monuments, temples and mosques built here long time back. The carpets, shawls handicrafts, apples and other fruits catch the attention of exporters all over the world. Millions of rupees are collected from these exports.

I have dealt with numerous themes having bearing on the Kashmir valley. These are geography, people, cradle of several races, Ladakh—its people and culture, Muslim, Aghan, Sikh and Dogra rulers, Gilgit, Buddhist monuments, Srinagar—the valley, food-habits of people, rivers and towns, the Kashmiri Pandits, social life, society and religion, lakes-Dal Lake and Wular Lake, temples, folklore and folk-songs, Sheikh Abdullah as leader, internal problems, political correspondence, speeches of Sheikh Abdullah, Bakshi Ghulam Mohammad, problem of accession, role of the Security Council, role of Frank Graham and Gunnar Jarring, speeches of Menon Chagla and statement by Mridula Sarabhai.

I have collected the material from several institutions, viz.

the Nehru Memorial Museum and Library, Delhi University Library, Jawaharlal Nehru University Library, Sapru Huse Library, Parliament House Library and last but not the least, Indian Council of Historical Research Library, New Delhi. I feel much beholden to the authorities of these institutions for their academic support to me during my researches.

—S. R. Bakshi

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1

Early History

I

THE TREATY OF AMRITSAR, 1846

Treaty between the British Government on the one part and Maharaja Gulab Singh of Jammu on the other concluded on the part of the British Government by Frederick Currie, Esquire and Bravel R. Major Henry Montgomery Lawrence, acting under the orders of the Right Honourable Sir Henry Hardinge, G. C. B. one of Her Britannic Majesty's Most Honourable Privy Council, Governor-General of the possessions of the East India Company, to direct and control all their affairs in the East India and by Maharaja Gulab Singh in person—1846.

Article 1

The British Government transfers and makes over for ever in independent possession to Maharaja Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the Eastward of the River Indus and the Westward of the River Ravi including Lahul, being part of the territories ceded to the British Government by the Lahore state according to the provisions of Article IV of the Treaty of Lahore dated 29th March 1846.

Article 2

The Eastern boundary of the tract transferred by the

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foregoing article to Maharaja Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharaja Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3

In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharaja Gulab Singh will pay to the British Government the sum of seventy five lakhs of Rupees (nanukshahi), fifty lakhs to be paid on ratification of this Treaty and twenty five lakhs on or before the 1st October of the current year, A D. 1846.

Article 4

The limits of the territories of Maharaja Gulab Singh shall not be at any time changed without concurrence of the British Government.

Article 5

Maharaja Gulab Singh will refer to the arbitration of the British Government of Lahore or any other neighbouring state, and will abide by the decision of the British Government.

Article 6

Maharaja Gulab Singh engages for himself and heirs to join, with the whole of his Military Forces, the British, when employed within the hills or in the territories adjoining his possessions.

Article 7

Maharaja Gulab Singh engages never to take or retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

Article 8

Maharaja Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of Article V, VI, VII, of the separate engagement between the British Government and the Lahore Darbar, dated 11th March 1846.

Article 9

The British Government will give in aid of Maharaja Gulab Singh in protecting his territories from external enemies.

Article 10

Maharaja Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve shawl, goats of approved breed (six male and six female) and three pairs of cashmere shawls.

This Treaty of ten articles has been this day settled by Frederick Curries, Esquire, and Bravet-Major Henry Montgomery Lawrence, acting under the directions of the Right Honourable Sir Henry Hardinge G. C. B. Governor General, on the part of the British Government and by Maharaja Gulab Singh in person, and the said Treaty has been this day ratified by the seal of the Right Honourable Sir Henry Hardinge, G. C. B. Governor-General.

(Done at Armistar the sixteenth day of March, in the year of our Lord one thousand eight hundred and forty six, corresponding with the seventeenth day of Ruber-ul-Awal 1262 Hijree).

(signed) F. Currie

(signed) H. M. Lawrence

By the order of Right Honourable the Governor-General of India.

(signed) F. Curries

Secretary to the Government of India,
with the Governor-General.

LETTERS FROM THE GOVERNOR-GENERAL TO THE SECRET COMMITTEE DATED 10TH MARCH 1846

"It will be seen by the draft of Treaty now forwarded that in consequence of the inability of the Lahore Government to pay the sum stipulated as indemnification for the expenses, of the war, or to give sufficient security for its eventual

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disbursement, the hill territories, from the Beas River to the Indus, including the provinces of Kashmir and Mazarah, have been ceded to the British Government.

It is not my intention to take possession of the whole of this territory. Its occupation by us would be, on many accounts disadvantageous. It would bring us into collision with many powerful chiefs, for whose coercion a large military establishment at great distance from our provinces and military resources would be necessary. It would more than double the extent of our present frontier in countries assailable at every point, and most difficult to defend without any corresponding advantages for such large additions of territory. Now, distant and conflicting interests would be created and races of people, with whom we have hitherto had no intercourse, would be brought under our rule, while the territories, excepting Kashmir, are comparatively unproductive, and would scarcely pay expenses of occupation and management.

On the other hand, the tract now ceded includes the whole of the Hill possessions of Rajah Gulab Singh and the Jammu family. Its possession by us enables us at once to mark our sense of Rajah Gulab Singh's conduct during the late operations, by rewarding him in the mode most in accordance with his desires, to show forth an example to the other chiefs of Asia the benefits which accrue from an adherence to British interests, and to meet the expenses of campaign, which we declared our determination to exact and which excepting the cession of territory, the Lahore Government is not in a condition to afford.

Rajah Gulab Singh has engaged to pay the crore of rupees demanded from the Lahore State, on being put by us in possession of the territory ended by the 4th Article of the draft Treaty, on such terms and conditions as we may approve.

It is highly expedient that the trans-Beas portion of Kulu and Mandi with the more fertile district and the strong position of Nurpur and the celebrated Fort Kangra the key of the Himalayas in native estimation with its district and dependencies, should be in our possession. These provinces lie

together, between the Beas and Chukkee Rivers, and their occupation by us will be attended with little cost and great advantage. The Chukkee River in the hills will hereafter be our boundary to its source and thence a line drawn to the Ravee River, and along its course, and across the Chenab to the snowy ridge on the confines of Lahool. This line will be laid down by officers sent for the purpose according to mutual agreement and will be accurately surveyed.

In consideration of the retention by us of the tract above described, a remission of twenty-five lakhs from the crore of rupees, which Raja Gulab Singh would otherwise have paid will be allowed, and the Rajah will pay the remaining seventy five lakhs, of which fifty lakhs are to be made good atonce, upon the ratification of the Treaty twenty-five lakhs within six months from that date.

Of the remaining portion of the territory ceded by Article 4 of the draft Treaty, the greater part, with the exception of the provinces Kashmir and Hazarah, is already in the possession of Rajah Gulab Singh and his family, for which he had been bound hitherto to render military service to a small extent to the Lahore Government and to present annually a horse, with gold trappings, as a heriat to the state.

The conditions which may be stipulated with Rajah Gulab Singh and the Treaty to which he may be admitted will be reported in my next letter. Those conditions will be so drawn as to bind us to the least possible interference in his affairs, consistently with the maintenance of our paramount position over the Rajah and his Country."

**CABINET MESSION'S MEMORANDUM ON STATES
PRESENTED TO THE CHANCELLOR OF THE CHAMBER OF
PRINCES ON MAY 12, 1946.**

During the interim period, which must elapse before the coming into operation of a new constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer

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paramountcy to an India Government.

It will strengthen the position of states during the formulative period if the various Governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their states by means of representative institutions.

When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government will cease to exercise the power of paramountcy. This means that the right of the states which flow from their relationship to the crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States.

His Majesty's Government reaffirmed their policy in this statement on June 3, 1947 on transfer of power to the people of India.

II

"RESOLUTION ON RESPONSIBLE GOVERNMENT AUGUST 5, 1938"

"This mass meeting of the people places on record its complete repudiation of the present system of irresponsible Government, and wishes to express its faith in the establishment of complete responsible government which alone can cure the ills of the people. Therefore this gathering appeals to all patriotic persons to muster under the banner of freedom and to be prepared for the coming struggle for liberty. The victory of that struggle alone would usher in a period of complete political, economic and social emancipation."

"Resolution of the Working Committee of the All Jammu and Kashmir National Conference, February 10, 1946.

"The Working Committee of Jammu and Kashmir National Conference have taken into consideration the speech made by the Viceroy of India in the Princes' Chamber on the 17th January, 1946, alongwith the declaration made by the Chancellor of the Chamber on behalf of the Princes regarding

Constitutional advancement in the State. After fully examining the salient points in both the speeches, the Working Committee have come to the following conclusions :

1. That the advice tendered by the Crown Representative to the Princes regarding the steps to be taken in making the administration of these States progressive did not amount to anything progressive. In fact it lost its significance when he (Viceroy), made such progress conditional on the maintenance of the treaties and the consent of the Princes. These treaties and engagements which are outdated, reactionary and questionable have always stood and will always stand in the way of the States People's progress and to think that the Rulers will give up their privileged positions that they enjoy under them at their sweet will is nothing but wishful thinking. The National Conference has at several occasions made it clear that these treaties have been made in times and under circumstances which do not obtain now and have been framed without seeking the consent of the State people. Under such circumstances no treaties or engagements which act as a dividing wall between their progress and that of their brethren in British India, can be binding on the people."

Text of letter dated October 26, 1947 from Sri Hari Singh, the Maharaja of Jammu and Kashmir to Lord Mountbatten, the Governor-General of India.

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware, the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically, my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides, my State has a common boundary with the Soviet Republic and China. In their external relations the Dominions of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course

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with friendly and cordial relations with both.

I accordingly approached the Dominions of India and Pakistan to enter Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the development indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government the Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes, and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mahora power house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the state are marching on with the aim of capturing Srinagar, the summer Capital of my Government as first step to over-running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowing of the Provincial Government of the North-West Frontier Province and the Government of Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir. The people of my State, both the Muslims and non-Muslims

generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. The alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved, immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards.

Your sincerely,
Hari Singh

The Palace, Jammu,
26th October, 1947.

INSTRUMENT OF ACCESSION OF JUMMU AND KASHMIR STATE

The following is the text of the actual Instrument of Accession executed by the Ruler of Jammu and Kashmir State on 26 October, 1947.

Whereas, the Indian Independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omission, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof;

Now, therefore, I, Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu and Kashmir Naresh Tatha Tibbet adi Deshandhipathi, Ruler of JAMMU AND KASHMIR State, in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purpose of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms therefore, and for the purpose only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State then such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The term of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrumnet shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies an this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrumnet shall deem to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the government of India under any such future consitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrumnet the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity or any law at present in force in this State.

9. I hereby declare that I execute this Instrument in behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty-seven.

Sd/-Hari Singh
Maharajadhiraj of Jammu
and Kashmir State

**TEXT OF THE PROCLAMATION ISSUED BY THE HEAD OF
THE JAMMU AND KASHMIR STATE ON MAY, 1951**

Where it is a general desire of the people of the State of

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Jammu and Kashmir that a Constituent Assembly should be brought into being for purpose of framing a constitution for the State:

Whereas it is commonly felt that the convening of the Assembly can no longer be delayed without detriment to the future well being of the State;

And whereas the terms of the proclamation of the Maharaja dated 5 March, 1948 in regard to the convening of a national assembly as contained in clauses 4 to 6 the operative part thereof do not meet the requirements of the present situation;

I, Yuvraj Karan Singh do hereby direct as follows :

1. A Constituent Assembly consisting of representatives of the people, elected on the basis of adult franchise, shall be constituted forthwith for the purpose of framing a constitution for the State of Jammu and Kashmir;

2. For the purpose of the said elections the State shall be divided into a number of territorial constituencies, each containing a population of 40,000 or as near there to as possible, and each electing one member. A Delimitation Committee shall be set up by the Government to make recommendations as to the number of constituencies and the limits of each constituency;

3. Elections to the Constituent Assembly shall be on the basis of adult franchise, that is to say, every person who is a State Subject or any class, as defined in the notification No. 1-L/84 is not less than twenty-one years of age on the first day of March, has been a resident in the constituency for such period as may be prescribed by the rules, shall be entitled to register in the electoral rolls of that constituency, provided that any person who is of unsound mind or has been so declared by a competent court, shall be disqualified for registration;

4. The vote at the election shall be direct and by secret ballot;

5. The Constituent Assembly shall have power to act

notwithstanding any vacancy of the Membership thereof;

6. The Constituent Assembly shall frame its own agenda and make rules for the governing of its procedure and the conduct of its business.

The Government shall make such rules and issue such instructions and orders as may be necessary to give effect to the terms of this proclamation.

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Sheikh Abdullah's Speech

OPENING ADDRESS BY HONOURABLE SHEIKH MOHAMAD ABDULLAH TO THE JAMMU AND KASHMIR CONSTITUENT ASSEMBLY (EXTRACTS)

"Today is our day of destiny. A day which comes only once in the life of a nation. A day on which to remember the hosts of those gone before us, and of those yet to come, and we are humbled by the greatness of this day.

After centuries, we have reached the harbour of our freedom, a freedom, which for the first time in history, will enable the people of Jammu and Kashmir, whose duly elected representatives are gathered here to shape the future of their country after wise deliberation and mould their future organs of Government. No person and no power stand between them and the fulfilment of this—their historic task. We are free, at last to shape our aspirations as people and to give substance to the ideals which have brought us together here.

We meet here today, in this palace hall, once the symbol of unquestioned monarchical authority, as free citizens of the New Kashmir for which we have so long struggled.

When we look back on these years, we see how our footsteps have taken us not among the privileged, but into the homes of the poor and downtrodden. We have fought their

battle against privilege and oppression and against those darker powers in the background which sought to set man against man on the ground of religion. Our movement grew and thrived side by side with the Indian National Congress and gave strength and inspiration to the people of the Indian States.

We must remember that our struggle for power has now reached its successful climax in the convening of this Constituent Assembly. It is for you to translate the vision of NEW KASHMIR into reality, and I would remind you of its opening words, which will inspire our labours:

"We the people of Jammu, Kashmir, Ladakh and the Frontier regions, including Poonch and Chenani Illaqas—in order to perfect our union in the fullest equality and self-determination, to raise ourselves and our children for ever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit toil, in worthy participation of the historic resurgence of the people of the East, and the working masses of the world, and in determination to make this our country, a dazzling gem on the snowy bosom of Asia, do propose and propound the following Constitution of our State."

This was passed at the 1944 Session of the National Conference in Srinagar. Today, in 1951, embodying such aspirations, men and women from the four corners of the State in this Constituent Assembly have become the repository of its sovereign authority. This Assembly, invested with authority of a constituent body, will be the fountain-head of basic laws, laying the foundation of a just social order and safeguarding the democratic rights of all the citizens of the State.

You are the sovereign authority in this State of Jammu and Kashmir; what you decide has the irrevocable force of law. The basic democratic principle of sovereignty of the nation, embodied ably in the American and French Constitutions, is once again given shape in our midst. I shall quote the famous

words of Article 3 of the French Constitution of 1971 :

"The source of all sovereignty resides fundamentally in the nation....Sovereignty is one and indivisible, inalienable and imprescriptible. It belongs to the nation."

We should be clear about the responsibilities that this power invests us with. In front of us lie decisions of the highest national importance which we shall be called upon to take. Upon the correctness of our decisions depends not only the happiness of our land and people now, but the fate as well of generations to come.

What then are the main functions that this Assembly will be called upon to perform ?

One great task before this Assembly will be to devise a Constitution for the future government of the country. Constitution-making is a difficult and detailed matter. I shall only refer to some of the broad aspects of the Constitution, which should be the product of the labours of this Assembly.

Another issue of vital import to the nation involves the future of the Royal Dynasty. Your decision will have to be taken both with urgency and wisdom, for on that decision rests the future form and character of the State.

The third major issue awaiting your deliberations arises out of the land reforms which the Government carried out with vigour and determination. Our 'land to the tiller' policy brought light into the dark homes of the peasantry; but, side by side, it has given rise to the problem of the land-owners demand for compensation. The nation being the ultimate custodian of all wealth and resources, the representatives of the nation are truly the best jury for giving a just and final verdict on such claims. So in your hands lies the power of this decision.

Finally, this Assembly will after full consideration of the three alternatives that I shall later, declare its reasoned conclusion regarding accession. This will help us to canalise our energies resolutely and with greater zeal in direction in which

we have already started moving for the social and economic advancement of our country.

To take our first task, that of Constitution-making, we shall naturally be guided by the highest principles of the democratic constitutions of the world. We shall base our work on the principles of equality, liberty and social justice which are an integral feature of all progressive constitutions. The rule of law as understood in the democratic countries of the world should be the cornerstone of our political structure. Equality before the law and the independence of the Judiciary from the influence of the Executive are vital to us. The freedom of the individual in the matter of speech, movement and association should be guaranteed; freedom of the Press and of opinion would also be features of our Constitution. I need not refer in great detail to all those rights and obligations, already embodied in NEW KASHMIR, which are integral parts of democracy which has been defined as "an apparatus of social organisation wherein people govern through their chosen representatives and are themselves guaranteed political and civil liberties."

You are no doubt aware of the scope of our present constitutional ties with India. We are proud to have our bonds with India, the goodwill of whose people and Government is available to us in unstinted and abundant measure. The Constitution of India has provided for a federal union and in the distribution of sovereign powers has treated us differently from other constituent units. With the exception of the items grouped under Defence, Foreign Affairs, and Communication in the Instrument of Accession, we have complete freedom to frame our Constitution in the manner we like. In order to live and prosper as good partners in a common endeavour for the advancement of our people, I would advise that, while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal co-operation and assistance in this great task, as well as offer our fullest co-operation and

assistance to the Union.

When it would be easy for you to devise a document calculated to create a framework of law and order, as also a survey of the duties and rights of citizens, it will need more arduous labour to take concrete decisions with regard to the manner in which we propose to bring about the rapid economic development of the State and more equitable distribution of our national income among the people to which we are pledged. Our National Conference avows its faith in the principle that there is one thing common to men of all castes and creeds, and that is their humanity. That being so, the one ailment which is ruthlessly sapping the vitality of human beings in Jammu and Kashmir is their appalling poverty, and if, we merely safeguard their political freedom in solemn terms, it will not affect their lives materially unless it guarantees them economic and social justice.

'New Kashmir' contains a statement of the objective of our social policy. It gives broadly a picture of the kind of life that we hope to make possible for the people of Jammu and Kashmir and the manner in which the economic organisation of the country will be geared to that purpose. These ideals you will have to integrate with the political structure which you will devise.

The future political set-up which you decide upon for Jammu and Kashmir must also take into consideration the existence of various sub-national groups in our State. Although culturally diverse history has forged an uncommon unity between them, they all are pulsating with the same hopes and aspirations, sharing in each other's joys and sorrows. While guaranteeing this basic unity of the State, our Constitution must not permit the concentration of power and privilege in the hands of any particular group or territorial region. It must afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics, without detriment to the integral unity of the State or the requirements of our social and economic policies.

Now let us take up an issue of basic importance which

involves the fundamental character of the State itself. As an instrument of the will of a self-determining people who have now become sovereign in their own right, the Constituent Assembly will now re-examine and decide upon the future of the present ruling dynasty, in respect of its authority.

The present House of the Rules of our State based its claim to authority on the Treaty Right granted to it by the British Government in 1846. To throw light on the nature of these rights, it will be helpful to recall that the British power, in its drive for territorial expansion, achieved its objectives through a network of alliances with the Indian Princes, subsidiary and subordinate, offensive and defensive. This mutually helpful arrangement enabled the British to consolidate their power, and strengthened the grip of the Princes, giving them military help in the event of rebellion by their exploited subjects. The Butler Committee Report on Treaty Rights in 1929 bears ample testimony to this. It says :

"The duty of the Paramount Power to protect the State against rebellion and insurrection is derived from the clauses of treaties and sanads, from usage and from the promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes.... The promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and substitute another form of Government."

In recognition of their services to the British Crown, the Indian Princes earned the rewards of a limited sovereignty over their States under the protection and suzerainty of the Paramount power. It was in this way that their rights, privileges and prerogatives were preserved.

Thus the pioneers of British Imperialism subjugated India, aided by the Indian Princes. This was hardly diplomacy; it amounted to fraud and deceit. Mutual agreements arrived at for such ignoble purposes were infested with the sanctity of treaties. And it is from such 'treaties' that the Princes claimed

their right to rule. Our own State provides a classic example of this. One glance at a page of our history will lay bare the truth.

The State of Jammu and Kashmir came to be transferred to Maharaja Gulab Singh in 1846, after the Sikh Empire began to disintegrate. His failure to render competent assistance to the Sikh armies was duly noticed by the British as also his willingness to acknowledge their authority. This paved the way for the total occupation of Northern India by the British who were not slow in recognising Maharaja Gulab Singh's services to them. In reward they sold him the territory of Jammu and Kashmir for 75 lakhs of rupees, and in the Treaty of Amritsar, the British Government made over the entire country in independent possession to "Maharaja Gulab Singh and the heirs male of his body." In this way, the entire population of Jammu and Kashmir State came under his absolute authority. The peculiar indignity of transaction naturally offended the national self-respect of our people, who resisted the occupation of their country. But the direct intervention of the British troops helped the Maharaja to take possession of the territory."

By 1947, India had achieved independence and reached one of her historical watersheds. It was clear that with the withdrawal of the Paramount Power, the treaty rights of the Indian Princes would cease. Sovereignty in that case should revert to the people; they wished therefore to be consulted about the arrangements to be made with regard to the transfer of power. But a strange situation arose. The Cabined Mission, while admitting the claims of the Indian, National Congress and the Muslim League in British India, completely refused a similar representation of the States' peoples who would not allow the right of the Princes to speak on their behalf.

In our own State, the National Conference had made it clear as early as February 10, 1946, that it was against any further continuance of the treaty rights of the Princes which had been "made in times and under circumstances which do not obtain now and which have been framed without seeking the consent of the State people. Under such circumstances, no

treaties or engagements which act as a dividing wall between their progress and that of their brethren in British India can be binding on the people."

It was in this connection that I invited the attention of the Cabinet Mission to the standing iniquity of the Treaty of Amritsar, and sought its termination. I wrote to the Cabinet Delegation that.

"As the Mission is at the moment reviewing the relationship of the Princes with the paramount Power with reference to treaty rights, we wish to submit, for us in Kashmir re-examination of this relationship is a vital matter because a hundred years ago in 1846 the land and people of Kashmir were sold away by the British for 50 lakhs of British Indian Rupees. The people of Kashmir are determined to mould their destiny and we appeal to the Mission to recognise the justice and strength of our cause."

In the Memorandum submitted to the Cabinet Mission later by the National Conference, the demand for independence from autocracy was reiterated. "Today the national demand of the people of Kashmir is not merely the establishment of responsible Government but the right to absolute freedom from autocratic rule. The immensity of the wrong done to our people by the sale deed of 1846 can only be judged by looking into the actual living conditions of the people. It is the depth of our torment that has given strength to our protest."

The indifferent attitude of the Cabinet Mission to the claims of the State's people convinced us that freedom would not be given to a hundred million people who were to be left to groan under the heel of autocratic rulers. Consequently the National Conference gave a call to the people to prepare themselves for fresh ordeals and new responsibilities in the final bid for the capture of power from the hands in India and was therefore in keeping with the spirit of the times.

The partition of India in 1947 brought many new problems and development in its wake. In Kashmir, the very

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foundations of the administration began to shake, and the Government made frantic efforts to patch up the cracking structure. Its incompetence had become glaring. With the tribal raids on the State in October 1947, it was obvious that the Maharaja's authority had ceased to function and the real power lay in the hands of the people's organisation, the National Conference. Even at this hour of grave national danger, the Ruler failed to see the wisdom of taking this organisation into his confidence and he preferred escape to the dignity of a formal surrender. When the situation became critical the unprecedented pressure of the people forced him to call upon the representatives of the National Conference to deal with the emergency, when he himself had failed to handle the affairs of the State effectively.

The Emergency Administration in the State marked in effect a revolutionary transfer of power from the Ruler to the people.

It was however the Proclamation of March 5, 1948, which constituted the first step towards the completion of national emancipation. On this day, I, as leader of the largest party of the State, was entrusted with its Government, being assisted by a Cabinet with full powers to run the administration. The Maharajah's authority was limited to that of a constitutional ruler, making it imperative upon him to consult his Government on all issues relating to the government of the State.

This was obviously an interim measure. The Cabinet of the people's representatives thus chosen functioned with the support and co-operation of the National Conference but with the passage of time it became clear that the Maharajah could not reconcile himself to this democratic system of Government. He put positive impediments in the way of the Government. They threatened to block much-needed reforms in various spheres of administration. It was, therefore, natural that following dis-agreement between him and the Government on matters of policy, that he should disconnect himself from the administration and leave the State. His young son Yuvaraj Karan Singh there-upon became the Regent and has

functioned since as Constitutional Head of the State.

Today, the Constituent Assembly having met, the time has come for the people's representatives to make the fundamental decision about the future position of the present dynasty.

It is clear that this dynasty can no longer exercise authority on the basis of an old discredited Treaty. During my trial for sedition in the "Quit Kashmir" movement, I had clarified the attitude of my party when I said :

"The future constitutional set-up in the State of Jammu and Kashmir cannot derive authority from the old source of relationship which was expiring and was bound to end soon. The set-up could only rest on the active will of the people of the State, conferring on the Head of the State the title and authority drawn from the true and abiding source of sovereignty, that is the people."

On this occasion, in 1946, I had also indicated the basis on which an individual could be entrusted by the people with the symbolic authority or a Constitutional Head:

"The State and its Head represent the constitutional circumference and the centre of this sovereignty respectively, the Head of the State being the symbol of the authority with the people may invest him for the realisation of their aspirations and the maintenance of their rights."

In consonance with these principles, and in supreme fulfilment of the people's aspirations, it follows that a Constitutional Head of the State will have to be chosen to exercise the functions which this Assembly may choose to entrust to him.

So far as my Party is concerned, we are convinced that the institution of monarchy is incompatible with the spirit and needs of modern times which demand an egalitarian relationship between one citizen and another. The supreme test of a democracy is the measure of equality of opportunity that it affords to its citizens to rise to the highest point of authority and position. In consequence, monarchies are fast

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disappearing from the world picture, as something in the nature of feudal anachronisms. In India, too, where before the partition, six hundred and odd Princes exercised rights and privileges of rulership, the process of democratisation has been taken up and at present hardly ten of them exercise the limited authority of constitutional heads of States.

After the attainment of complete power by the people, it would have been an appropriate gesture of goodwill to recognise Maharajah Hari Singh as the first Constitutional Head of the State. But I must say with regret that he has completely forfeited the confidence of every section of the people. His incapacity to adjust himself to changed conditions and his anitquated views on vital problems constitute positive disqualifications for him to hold the high office of a democratic Head of the State. Moreover, his past actions as ruler have proved that he is not capable of conducting himself with dignity, responsibility and impartiality. The people still remember with pain and regret his failure to stand by them in times of crisis, and his incapacity to afford protection to a section of his pelople in Jammu.

Finally, we come to the issue which has made Kashmir an object of world interest, and has brought her before the forum of the United Nations. This simple issue has become so involved that people have begun to ask themselves, after three and a half-years of tense expectancy, "Is there any solution ? Our answer is in the affirmative. Everything hinges round the genuineness of the will to find a solution. If we face the issue straight, the solution is simple.

The problems may be posed in this way. Firstly, was Pakistan's action in invading Kashmir in 1947 morally and legally correct, judged by any norm of international behaviour? Sir Owen Dixon's verdict on this issue is perfectly plain. In unambiguous terms he declared Pakistan an aggressor. Secondly, was the Maharajah's accession to India legally valid or not ? The legality of the accession has not been seriously questioned by any responsible or independent person or authority.

These two answers are obviously correct. Then where is the justification of treating India and Pakistan at par in matters pertaining to Kashmir ? In fact, the force of logic dictates the conclusion that the aggressor should withdraw his armed forces, and the United Nations should see that Pakistan gets out of the State.

In that event, India herself, anxious to give the people of the State a chance to express their will freely, would willingly cooperate with any sound plan of demilitarization. They would withdraw their forces, only garrisoning enough posts to ensure against any repetition of that earlier treacherous attack from Pakistan.

These two steps would have gone a long way to bring about a new atmosphere in the State. The rehabilitation of displaced people, and the restoration of stable civic conditions would have allowed people to express their will and take the ultimate decision.

We as a Government are keen to let our people decide the future of our land in accordance with their own wishes. If these three preliminary were accomplished, we should be happy to have the assistance of international observers to ensure fair play and the requisite conditions for a free choice by the people.

Instead, invader and defender have been put on the same plane. Under various garbs, attempts have been made to sidetrack the main issues. Sometimes against all our ideals of life and way of living attempts to divide our territories have been made in the form of separation of our State religionwise, with ultimate plans of further disrupting its territorial integrity. Once an offer was made to police our country with Commonwealth forces, which threatens to bring in Imperial control by the back door. Besides the repugnance which our people have, however, to the idea of inviting foreign troops on their soil, the very presence of Commonwealth troops could have created suspicions among our neighbours that we were allowing ourselves to be used as a base of possible future aggression against them. This could easily have made us into a

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second Korea.

We have watched all this patiently; but we cannot be indifferent to the growing sufferings of our people, we cannot any longer tolerate being bandied about and left with an indefinite future. Not only has our patience been tried to its limits, but our self-respect has been challenged by allegation that we are the "stooges of India," and no bodies in our own land, that our influence rests on Indian bayonets that we are running a Police State, and various other taunts and fantastic allegations.

We, therefore thought it best to call upon our own people to declare what future they seek. At last we, in October 1950, decided to convoke a Constituent Assembly which would pronounce upon the future affiliations of our State. We were, and are, convinced that whatever some groups or individuals are in the world outside might have to say about this decision of ours, there are in every country many people who have faith in justice and straightforward dealings.

I have no doubt that our considered views be understood and supported by freedom-loving, peace-loving and democratic minded people all over the world. I am sure too that Almighty God who guards all just causes will bestow His blessings upon us and guide our footsteps towards correct and honest ends.

The problem, then, of accession has to be considered against the background of history in particular, of the immediate past consequent on the British quitting India and disappearance of the Paramount Power. The end of the War brought to a head the question of India's freedom. Let me recapitulate. The Cabinet Mission was sent to India to hammer out plans for the transfer of power. This Mission had a series of consultations with parties and leaders of opinion in British India, but refused to agree to the people of the Indian States being represented by their popular leaders and instead backed up their old allies, the Indian Princes. I and my colleagues had at that time raised our voice against this attitude in the following words of our Memorandum :

"The fate of the Kashmiri nation is in the balance and in this hour of decision we demand our basic democratic right to send our selected representatives to the constitution-making bodies that will construct the framework of Free India. We emphatically repudiate the right of the Princely Order to represent the people of the Indian States or their right to nominate their personal representatives as our spokesmen."

I have no doubt in my mind that if popular representatives from the Indian States had been included in the discussions they would have certainly helped in having many controversial issues resolved fairly and smoothly. But that was not to be. To our misfortune and to the misfortune of millions of people in India and Pakistan, the Cabinet Mission as well as the Indian political parties seemed to have been swayed by various conflicting considerations, with the result that the Indian sub-continent, which had acquired an organic unity through ages of social, cultural and economic intercourse, was suddenly vivisected into the two Dominions of India and Pakistan. I need not relate here the horrors that followed this unnatural operation. Millions of hearts in both countries still ache with wounds that will not heal.

The agony of this changeover became all the more intense as a result of the position in which the Indian States were left. Under the Indian Independence Act of the British Parliament, the Paramountcy of the British Crown, against which the Princes had been leaning, lapsed, and it was made clear that it would not be transferred to either of the succeeding Dominions. There were three alternative courses open to them. They could accede to either of the two Dominion or remain independent. This gave the Princes themselves the option to decide the fate of their States.

Following the announcement of the "Mountbatten Plan" on June 3, some of the Indian States acceded to Pakistan and some to India by means of Instruments of Accession executed through their Princes. There were also some who entered into Standstill Agreements with either or both pending finalization

of their decisions.

The betrayal of the interests of the State's people had been expected following the rejection of the Memorandum of the National Conference, and so we in Kashmir decided to place the issue before the people themselves.

This is how our well-known "Quit Kashmir" agitation began. The National Conference once again led the people through a great struggle, and once again the Ruler tried to curb it, this time with unprecedented severity. But when a whole people is on the move it is not possible to repress them and they do not stop until they wrest freedom and justice for themselves from the unwilling hands of those above them.

The crucial date of Indian and Pakistani Independence, therefore, came when I and my colleagues were still behind prison bars. The whole sub-continent was in a state of high tension and disturbance. If, at that time, the Head of the State of Jammu and Kashmir had even the slightest sense of realism or proper awareness of the danger lurking in the situation, he would have immediately taken the people into his confidence. By associating their representatives with administration, I am sure many of the complications that arose later could have been avoided.

Instead of that, the Maharaja's Government entered into a Standstill Agreement with Pakistan, and this was accepted without question by that Dominion. A similar arrangement was suggested to India, also, but it is noteworthy that the Government of India insisted that it could not consider any agreement entered into by the Government of the State valid until it had the approval of the people's representatives.

While the Indian leaders consistently refused to recognise the right of the Maharaja to decide the vital issue of accession without first securing the approval of his people, the Muslim League and the Pakistan Government supported the claims of the Rulers to speak for their States. The late Mr. Jinnah took the position that after the lapse of Paramountcy, the Princes were completely independent and that they could themselves determine what relations they should have with the two

Dominions. Throughout the struggles that the people of Kashmir waged against autocracy, we should never forget that the Muslim League leadership had completely disassociated itself from them, and that, during the upsurge of 1946, their local party organs had assisted the administration to suppress the movement.

It was at this stage, taking advantage of the isolation of the Kashmiries from the rest of the world, that Pakistan imposed an economic blockade upon us with a view to starving us into submission. Attempts were made even to excite communal hatred to disrupt our peaceful civic life. Even in the face of such provocation, the National Conference, I am proud to say, took an objective and democratic stand. Immediately on my release from imprisonment I clarified the issue at a mass meeting in Srinagar. The first and fundamental issue before us was the establishment of a popular Government. Our objective might be summarised as "Freedom First." Thus alone could we as a free people decide our future associations through accession. I also made it clear that the National Conference would consider this issue without prejudice to its political friends and opponents, and strictly in accordance with the best interests of the country as a whole. I said that, in the state of tension and conflict obtained both in India and Pakistan, it was difficult for the people here and now to predict what the final shape of both would be.

You will realise, therefore, that we could not be accused of being partial to one side or the other. During that period we openly discussed the matter with representatives of the Muslim League who had come to Srinagar for this purpose. We even sent one of our representatives to Lahore to acquaint the authorities in Pakistan with our point of view. We were thus still struggling against autocracy and for freedom when the State was suddenly invaded from the side of Pakistan.

The overwhelming pressure of this invasion brought about a total collapse of the armed forces of the State as well as its administrative machinery, leaving the completely defenceless people at the mercy of the invaders. It was not an ordinary

type of invasion, inasmuch as no canons of warfare were observed. The tribesmen who attacked the State in thousands, killed, burned, looted and destroyed whatever came their way and in this savagery no section of the people could escape. Even the nuns and nurses of a Catholic Mission were either killed or brutally maltreated. As these raiders advanced towards Srinagar, the last vestige of authority, which lay in person of the Maharaja, suddenly disappeared from the Capital. Thus created a strange vacuum, and would have certainly led to the occupation of the whole State by Pakistani troops and tribesmen, if, at this supreme hour of crisis, the entire people of Kashmir had not risen like a solid barrier against the aggressor. They halted this onrush, but could not stop him entirely as the defenders had not enough experience, training and equipment to fight back effectively. There is no doubt that some of them rose to great heights of heroism during these fateful days. Who can help being moved by the saga of crucified Sherwani, Abdul Aziz, Brigadier Rajendra Singh, Prempal, Sardar Rangil Singh, early Militia boys like Puskar Nath Zadoo, Somnath Bira, Ismail, among scores of others named and unnamed heroes of all communities. But we, though rich in human material, lacked war equipment and trained soldiers.

When the raiders were fast approaching Srinagar, we could think of only way to save the State from total annihilation by asking for help from a friendly neighbour. The representative of the National Conference, therefore, flew to Delhi to seek help from the Government of India. But the absence of any constitutional ties between our State and India made it impossible for her to render us any effective assistance in meeting the aggressor. As I said earlier, India had refused to sign a Standstill Agreement with the State on the ground that she could not accept such an Agreement until it had the approval of the people. But now, since the people's representatives themselves sought an alliance, the Government of India showed readiness to accept it. Legally, the Instrument of Accession had to be signed by the Ruler of the State. Thus the Maharaja did. While accepting that accession, the Government of India said

that she wished that "as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by reference to the people".

Actuated by a sincere desire to avoid bloodshed and further conflict, the Government of India approached the Security Council in 1948, with a plaint against Pakistan. The request was simple. The contention of India was that Pakistan was responsible for the invasion of Kashmir and was continuing to help the raiders who had been employed as mercenaries for this purpose. And it was further said that legally bound as India was to clear the Jammu and Kashmir State of raiders, she might be constrained to pursue the invaders to their bases in Pakistan, which might lead to a still bigger conflagration. India, therefore, wanted the Security Council to dispose of the case as quickly as possible so that Jammu and Kashmir would have expressed their will with regard to the continuance of the accession to the Dominion they had joined. This was not to be.

This is the essential background which we must fully take into account. Now I shall indicate some of the considerations which should be kept in view when you, the Hon'ble Members of this August Assembly, shoulder the grave responsibility of giving your considered opinion on this issue of accession which affects not only the present generation of our people but generations yet to come.

The Cabinet Mission Plan has provided for three courses which may be followed by the Indian States when determining their future affiliations. A State can either accede to India or accede to Pakistan, but, failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State. While the intention of the British Government was to secure the privileges of the Princes, the representatives of the people must have the primary consideration of promoting the greatest good of the common people. Whatever steps they take must contribute to the growth of a democratic social order wherein all invidious distinctions

between groups and creeds are absent. Judged at this supreme consideration, what are the advantages and disadvantages of our State's accession to either India or Pakistan, or of having independent status ?

As a realist I am conscious that nothing is all black or all white, and there are many facets to each of the proposition before us. I shall first speak on the merits and demerit of the State's accession to India. In the final analysis, as I understand it, is the kinship of ideals which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State's people's freedom. The autocratic rule of the Princes has been done away with and representative government has been entrusted with the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction. Moreover, during the last four years, the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic State.

The real character of a State is revealed in its Constitution. The India Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial divisions if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State which is a throwback to medievalism, by guaranteeing the equality, the rights of all citizens irrespective of their religion, colour, caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seeks to favour the interests of one religion or social group against another. This

affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom must be weighed properly while deciding the future of the State.

We are also intimately concerned with the economic well-being of the people of this State. As I said before while referring to constitution-building, political ideals are often meaningless unless linked with economic and trade. As you know, and as I have detailed before, we have been able to put through our land of the tiller legislation and make of it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms. We have been able under present conditions to carry these reforms through; are we sure that in alliance with landlord-ridden Pakistan, with so many feudal privileges intact, that these economic reforms of ours will be tolerated ? We have already heard that news of our Land Reforms has travelled to the peasants of the enemy-occupied area of our State, who vainly desire a like status, and like benefits. In the second place our economic welfare is bound up with our arts and crafts. The traditional markets for these precious goods for which we are justly known all over the world, have been centred in India. The volume of our trade, in spite of the dislocation of the last few years, shows this Industry is also highly important to us. Potentially we are rich in minerals and in the raw materials of industry; we are rich to develop our resources. India, being more highly industrialised than Pakistan, can give us equipment, technical services and materials. She can help us too in marketing. Many goods also which it would not be practical for us to produce here—for instance sugar, cotton cloth and other essential commodities—can be got by us in large quantities from India. It is around the efficient supply of such basic necessities that the standard of living of the man-in-the street depends.

I shall refer now to the alleged disadvantage of accession to India.

To begin with, although the land frontiers of India and Kashmir are contiguous, an all-weather road-link as dependable as the one we have with Pakistan does not exist. This must necessarily hamper trade and commerce to some extent, particularly during the snowy winter months. But we have studied this question, and, with improvements in modern engineering, the establishment of an all-weather stable system of communication is both feasible and easy. Similarly, the use of the State rivers as a means of timber transport is impossible if we turn to India, except in Jammu where the river Chenab still carries logs to the plains. In reply to this argument, it may be pointed out that accession to India will open up possibilities of utilising of lumber, finished goods, which will provide work for our carpenters and labourers, can be exported to India where there is a ready market for them. Indeed, in the presence of our fleets of timber-carrying trucks, river transport is a crude system which inflicts a loss of some 20% to 35% in transit.

Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardised. This would happen if a communal organisation had a dominant hand in the Government and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilising relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, "I lift up mine eyes into the hills, from whence cometh my help."

As I have said before, we must consider the question of accession with an open mind, and not let our personal prejudices stand in the way of a balanced judgement. I will now invite you to evaluate the alternative of accession to Pakistan.

The most powerful argumnet which can be advanced in her favour is that Pakistan is a Muslim State, and, a big majority of our people being Muslims the State must acceds to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life, but often it leads to irrational action. Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disproved this. Right thinking men would point out that Pakistan is not an organic unity of all the Muslims in this sub-continent. It has on the contrary, caused the dispersion of the Indian Muslims for whose benefit it was claimed to have been created. There are two Pakistans at least a thousand miles apart from each other. The total population of Western Pakistan which is contiguous to our State, is hardly 25 million, while the total number of Muslims resident in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worrid by such considerations should choose the forty million living in India.

Looking at the matter too from a more modern political angle, religious affinities alone do not and should not normally determine the political alliances of State. We do not find a Christain bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of State.

We have another important factor to consider, if the State decides to make this the prdominant consideration. What will be the fate of one million non-Muslims now in our State ? As things stand at present, there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against

the interests of any religious group.

As regards the economic advantages, I have mentioned before the road and river links with Pakistan. In the last analysis, we must however, remember that we are not concerned only with the movement of people but also with the movement of goods and the linking up of markets. In Pakistan there is chronic dearth of markets for our products. Neither, for that matter, can she help us with our industrialisation, being herself industrially backward.

On the debit side we have to take into account the reactionary character of her politics and State policies. In Pakistan we should remember that the lot of the State's subjects has not changed and they are still helpless and under the heel of their Rulers, who wield the same unbridled power under which we used to suffer here. This clearly runs counter to our own aspirations for freedom.

Another big obstacle to a dispassionate evaluation of her policies is the lack of a constitution in Pakistan. As it stands at present, this State enjoys the unique position of being governed by a Constitution enacted by an outside Parliament which gives no idea whatsoever of the future shape of civic and social relations. It is reasonable to argue that Pakistan cannot have the confidence of a freedom loving and democratic people when it has failed to guarantee even fundamental rights of its citizens. The right of self-determination for nationalities is being consistently denied and those who fought against Imperialism for this just right are being suppressed with force. We should remember Badshah Khan and his comrades who laid down their all for freedom, also Khan Abdus Samad Khan and other fighters in Baluchistan. Our national movement in the State considers this right of self-determination inalienable, and no advantage, however, great, will persuade our people to forego it.

The third course open to us has still to be discussed. We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both States, but having friendly relation with them. This might seem attractive in that it

would appear to pave the way out of the present deadlock. To us as a tourist country it could also have certain obvious advantages. But in considering independence we must not ignore practical considerations. Firstly, it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Can we find powerful guarantors among them to pull together always in assuring us freedom from aggression ? I would like to remind you that from August 15 to October 22, 1947, our State was independent and the result was that our weakness was exploited by the neighbour with whom we had a valid Standstill Agreement. The State was invaded. What is the guarantee that in future too we may not be victims of a similar aggression.

I have now put the pros and cons of the three alternatives before you....It should not be difficult for men of discrimination and patriotism gathered in this Assembly to weigh all these in the scales of our national good and pronounce where the true well-being of the country lies in the future.

3

Interim Report

The Basic Principles Committee feels that the time has come when a final decision should be taken in regard to the institution of hereditary rulership.

After due deliberation and careful thought, the Committee is of the opinion that the institution of monarchy is a relic of the feudal system which was based on mass exploitation of the resources of a country and the labour of its people for the self-aggrandisement of an individual and a limited class of his associates. As such, the Committee considers this system opposed to the aspiration of the people for an untrammelled democratic order, the spirit of which is surging throughout all countries of the world. It strongly feels that the continuance of a monarchical system would be the imposition of an anachronism particularly when these monarchies are disappearing fast in many parts of the world under the compelling forces of history and social change.

It is the considered view of the Committee that sovereignty does and must reside in the people and that all power and authority must flow from the expression of their free will. The State and its Head, respectively, symbolise this sovereignty and its centre of gravity. The Head of the State represents the authority vested in him by the people for the maintenance of their rights. The promotion of this vital principle of

constitutional progress makes it imperative that this symbol of State power should be subject to the vote of the people. The Committee therefore strongly feels that, consistent with democratic aspiration of the people of the State, the office of Head of the State should be based upon the elective principle and not upon the principle of heredity. This would afford opportunities to all citizens to the highest point of authority and position, with the support and confidence of the people. The spirit of equality and fraternity required by democracy demands that in no share of State activity should a citizen be debarred from participating in the progress of his country and the advancement of its ideals and tradition. It is clear that the hereditary principle in the appointment to any office of power curtails the people's choice and to that extent, restricts their right to elect suitable person of outstanding merit and personal qualities to that position. The process of democratisation will not be complete till the highest office of the State is thrown open to the humblest of the land and in this manner, the Head of the State will be the repository of the unbounded respect, confidence and esteem of the people.

In view of these considerations the Committee feels that there must be a sense of finality about the decisions in regard to this fundamental issue. Accordingly, the Committee recommends that :

- (a) the form of the future constitution of Jammu and Kashmir shall be wholly democratic,
- (b) the institution of hereditary Rulership shall be terminated,
- (c) the office of the Head of the State shall be elective.

Sd/-S. M. Abdullah.

Sd/-G. M. Bakshi.

Sd/-M. A. Beg.

Sd/-G. L. Dogra.

Sd/-S. L. Saraf.

Sd/-D. P. Dhar.

Sd/-Piar Singh

Sd/-Harbans Singh

Sd/-Mubarik Shah.
Sd/-G. M. Hamdani.
Sd/-Mir Qasim.
Sd/-Bhagat Ram Sharma.
Sd/-Abdul Gani Goni.
Sd/-Ram Devi.
Sd/-Moti Ram Baigra.
Sd/-Mir Assadullah.

Report Relating to Citizenship and Fundamental Rights

(Extracts)

The Advisory Committee on Fundamental Rights and Citizenship was set up by the resolution of the Constituent Assembly dated 7th November, 1951, in order to make recommendations as regards qualification required for Citizenship and the determination of Fundamental Rights of the residents of the State. The Committee was reconstituted by the Constituent Assembly by its resolution dated the 20th October, 1953.

The State having acceded to the Union of India, every State Subject and every person having his domicile in the State is a Citizen of India under the provisions of the Constitution of India. It is, however, recognized by the Government of India that this position would not affect the existing State Subject definition. While the Committee adheres to principle underlying this definition, it feels that the definition should be liberalized in keeping with the changed times. The Committee therefore recommends that all the three classes of State Subjects provided in the definition be removed and a uniform class of permanent residents be established. Accordingly, every person residing in the State who is a State Subject of Class I or II or who after having acquired immovable property in the State has been ordinarily residing there for a period of not less than ten years prior to the date of enforcement of this provision shall be a permanent resident of the State.

The power of the State Legislature to define 'Permanent Residents of the State' in future in any manner it deems fit and to regulate the special rights and privileges of the

Permanent Residents of the State should be preserved. A majority of not less than two-thirds of the total membership of the House shall be necessary for the exercise of this power. The Committee is of the opinion that while adequate provisions to that effect should be incorporated at an appropriate place in the Constitutions of India, the provisions of Part II of the Constitution of India relating to Citizenship should also be made applicable to the State and care should be taken now known as "Permanent Residents of the State" and their special rights and privileges. Necessary modification shall also have to be provided in that Part to enable those subjects of the State who had migrated to Pakistan in 1947 in connection with the disturbances or in fear of the same, to return to the State under a Permit for resettlement or permanent return issued under the authority of law that would be made by the State Legislature in due course.

The Committee is of the view that State Legislature should also be competent to make provisions with respect to acquisition and termination of the Status of permanent residents of the State and until the State Legislature enacts provisions in that behalf, the existing Ijazatnama Rules should continue to remain in force and the existing procedure for obtaining a State Subject Certificate should apply for the purpose of securing a certificate as to the status of a permanent resident.

FUNDAMENTAL RIGHTS

The Committee having taken note of the Fundamental Rights provided in various constitutions including the Constitution of India recommends the following rights for adoption by the State :

1. Equality of rights of all citizens, irrespective of religion, race, caste, sex, place of birth or any of them, all spheres—economic, political, cultural and social—should be guaranteed, that is to say, every citizen should have the right to EQUALITY before law and there should be no discrimination against any citizen on grounds only of religion race, caste, sex or place of birth; and no citizen should be subject to any disability, liability, restriction or condition with regard to

- (a) access to shops, public restaurants, hotels and place of public entertainment; or
- (b) the use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

2. The Committee sensibly feels that women must attain their just and rightful place in society and their co-operation in the mighty and responsible task of nation-building must be secured. Similarly all children born in the State should be ensured equality of opportunity irrespective of accidents of birth and parentage. In order to achieve that end the State should be able to make any special provisions it deems fit for women and children.

3. Untouchability is abolished and its practice in any form shall be forbidden.

4. In conformity with the interests of the people, all citizens shall have right to FREEDOM of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of the State, to reside and settle in any part of the territory of the State, to acquire, hold and dispose of property subject to the laws of the State and to practise any profession, or to carry on any occupation, trade or business.

The State should, however, have powers to impose such restrictions as are considered reasonable by the State Legislature on the exercise of these rights in the interests of general public security of the State public order, communal harmony, decency or morality, or in relation to contempt of court, defamation, or incitement to an offence, or for the protection of the special rights and privileges of the permanent residents of the State.

5. Protection in respect of conviction for offences, and of life and personal liberty shall also be afforded. The provisions and procedure pertaining to preventive detention should follow on the lines of the corresponding provisions in the Fundamental Rights of India.

6. All citizens shall have protection AGAINST EXPLOITATION, i. e., traffic in human beings and forced labour, employment of children in factories etc., shall be prohibited.

7. FREEDOM OF RELIGION shall be guaranteed, i.e., all citizens shall have the freedom of conscience and shall be free to profess, practise, and propagate any religion and to manage their respective religious affairs.

8. CULTURAL AND EDUCATIONAL RIGHTS should also be guaranteed by the Constitution. The interests of the minorities should be protected and any section of citizens having a distinct language, script or culture should have the right to conserve the same.

9. RIGHT TO PROPERTY shall be guaranteed, and no person shall be deprived of his property save by authority of law. This should not, however in any way affect the existing laws relating to land reforms nor should it prevent the State Legislature to make any further land reforms. Accordingly, no law, made by the State Legislature, providing for the acquisition by the State of any land or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the aforesaid rights. The existing definition of land shall be preserved.

10. Similarly, all these Fundamental Rights should be subject to the over-riding condition that :

- (i) no law of the State relating to State Subject to be hereafter called 'Permanent Residents' and regulating their rights and privileges; and
- (ii) no law hereafter to be made by the State Legislature defining the permanent residents and conferring on them special rights and privileges in relation to acquisition and holding of property in the State or in matter of employment under the State and imposing restrictions on citizens other than permanent residents for settling within the State should become void on the ground that it is inconsistent with or takes away or

abridges any of the rights conferred by Part III of Constitution of India.

11. The Committee feels that a declaration of Fundamental Rights would be more effective if suitable judicial remedies for the enforcement of these rights are provided and therefore it is proposed that the citizens shall have the right to Constitutional Remedies. In order to ensure the fuller protection in regard to enjoyment of these rights the citizens shall be allowed to seek redress from the highest court, i. e. the Supreme Court of India.

In order to avoid any possibility of conflict of the Fundamental Rights proposed above and those contained in Part III of the Constitution of India, the Committee feels that the former rights in so far as they vary in certain respects, the provisions of the Fundamental Rights of the Union should be reflected in Part III of the Constitution of India. The Government of India has already agreed to provide appropriate modifications or exceptions in Part III of the Constitution of India to suit the requirements of State.

370. Temporary provisions with respect to the State of Jammu and Kashmir.

1. Notwithstanding anything in this Constitution :

- (a) the provisions of article 238 shall not apply in relation to the State of Jammu and Kashmir;
- (b) the power of Parliament to make laws for the said State shall be limited to—
 - (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State, are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State and
 - (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may be order specify.

Explanation. For the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu and Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March, 1948.

- (a) the provision of article (1) and of this article shall apply in relation to that State;
- (b) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modification as the President may by order specify;

Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State;

Provided further that no such order which relates to matters other than those referred to in the last preceding proviso shall be issued except with the concurrence of that Government.

2. If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

3. Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify.

provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

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Delhi Agreement

The text of the Kashmir Premier's statement on the Delhi Agreement in the State Constituent Assembly on the 11th August, 1952.

I crave permission to make a statement before the House in regard to the constitutional relationship between the Jammu and Kashmir State and the Indian Union. As the Hon'ble members are aware, during the last session of the Constituent Assembly the Basic Principles Committee had submitted a report making certain specific recommendations about the future Head of the State. The House, while, accepting these recommendations had charged the Drafting Committee to present for the consideration of the Assembly, a draft resolution incorporating the proposed principles for the election of the Head of the State. The Drafting Committee will, no doubt, submit its report to the House during this session.

Since the changes proposed by this Assembly involved corresponding adjustments in the Indian Constitution, the Government of India desired that it should have time to discuss with our representatives other matters pertaining to the constitutional relationship of our State with the Union. During the last stage of these discussions, it became necessary for me and some of my other colleagues in the Government to participate in the talks. I am now in a position to inform the

House that certain broad principles have been laid down and certain decisions have been tentatively arrived at between the two Governments.

Before I apprise this House of the details of these tentative decisions, I wish to review briefly the background of our relationship with India. For some time past, there has been a good deal of discussion on this important question both here as well as outside. In the heat of public controversy, which this question aroused, the points at issue were sometimes obscured.

May I mention here the development which led to the establishment of our relationship with India in October 1947? After the Independence Act of 1947 was passed by the British Parliament, the Dominion Status was conferred on India and Pakistan; and the British Paramountcy having lapsed, the Indian States become independent. They were, however, advised to join either of these two Dominion. It is a tragic commentary on these arrangements proposed by the British Government that the position of these Indian States, comprising one-fourth of the total population of the entire Indian subcontinent, was left absolutely vague and nebulous with the result that the future of the States people came to be subjected to the vagaries of their respective rulers. Many of them acceded to either of the two Dominion after a good deal of procrastination while others hesitated and delayed the final decision to the detriment of the interests of the people living in those States.

The Jammu and Kashmir State was one of the States whose ruler had not taken a decision in regard to accession. While the State was in the condition of uncertainty and indecision and while the national movement was seeking transfer of complete power to the representatives of the people and the then State Government was indulging in repression in certain areas of the State particularly in Poonch, the State was suddenly invaded. Thousands of tribesmen from Pakistan, as well as Pakistan nationals, launched a savage attack against the people of this State. The administration then in charge of its affairs proved singularly ineffective to cope with the grave

emergency and consequently it collapsed all of sudden. All that critical moment in the history of the State, the National Conference stepped in to avert what looked like total annihilation at the hands of raiders from Pakistan who were later proved to have been abetted by the Pakistan Government. The National Conference mobilised all sections of the population in an effort to prevent conditions of chaos and dislocation from spreading to the entire State. This factor was mainly responsible for the splendid morale displayed by the people of Kashmir who were inspired to heroic deeds in their resistance against the invaders.

It was, however, obvious that in face of the overwhelming number of the well-armed raiders the unarmed people of Kashmir could not hold out for long. Consequently, it became urgently necessary for us to seek the assistance of a friendly neighbour which alone would enable us to throw back the invaders. In that critical moment, we could turn only to India where the Government and the people had demonstrated their sympathies for the ideals for which we were fighting the raiders.

But legal complications came in the way of India rendering the State any immediate help for its defence against aggression. The Government of India could send their army only if the State would accede to that Dominion. In accordance with the Indian Independence Act of 1947, the Instrument of Accession had to be executed by the Ruler of the State in order to make it legally valid. Consequently with the backing of the most popular organization in the country, the Maharaja signed the deed of Accession on the 26th of October, 1947, and the State of Jammu and Kashmir became part of the Indian Dominion.

The basis of our relationship with India is the Instrument of Accession which enabled our State to enter into a union with India. In accordance with the terms of the Instrument, certain powers were transferred to the Centre. The principal matters specified for this purpose in respect to which the Dominion Legislature could make laws for this State were :

- (a) Defence,
- (b) External Affairs, and
- (c) Communications.

The arrangement involved a division of sovereignty which is the normal feature of a Federation. Beyond the powers transferred by it to the Dominion, the State enjoyed complete residuary sovereignty.

These terms of the association of our State with the Dominion of India were maintained; and subsequently, when the Constituent Assembly of India was charged with the task of framing a Constitution, this over-riding consideration was kept in view in determining the position of this State in the proposed Constitution. Earlier to this, it had been agreed between the two Governments that "in view of the special problems arising in respect of this State and the fact that the Government of India have assured its people that they would themselves finally determine their political future," a special position should be accorded to Jammu and Kashmir in the future Constitution so that a limited field of the Union powers over the State is ensured. Four representatives were nominated from the Jammu and Kashmir State to the Constituent Assembly of India. These representatives participated in the deliberations of the Constituent Assembly of India at a time when the bulk of the Indian Constitution had already been adopted. It was at this stage that the constitutional position of this State was determined in the Constitution of India. The representatives of the Jammu and Kashmir State reiterated their view that the association with India should be based on the terms of the Instrument of Accession. It was at this stage that the constitutional position of this State was determined in the Constitution of India. The representatives of the Jammu and Kashmir State reiterated their view that the association with India should be based on the terms of the Instrument of Accession. It was also made clear that while the accession of the Jammu and Kashmir State with India was complete in fact and law to the extent of the subject enumerated in this Instrument, the autonomy of the State with regard to all other

subject outside the ambit of the Instrument of Assession should be preserved.

Here I would like to point out that the fact that Article 370 has been mentioned as a temporary provision in the Constitution does not mean that it is capable of being abrogated, modified or replaced unilaterally. In actual effect the temporary nature of this Article arises merely from the fact that the power to finalise the constitutional relationship between the State and the Union of India has been specifically vested in the Jammu and Kashmir Constituent Assembly. It follows that whatever modification, amendments or exceptions that may become necessary either to Article 370 or any other Article in the Constitution of India in their application to the Jammu and Kashmir State are subject to the decisions of this sovereign body.

Since a good deal of confused thinking and uninformed criticism is indulged in by some interested people, I would like to point out that the constitution has confined the scope and jurisdiction of the Union powers to the terms of the Instrument of Assession with the proviso that they may be extended to such other matters also as the President may specify with the concurrence of the Jammu and Kashmir Constituent Assembly. The special problems facing the State were thus taken into account and under the Constitution the relationship approximated to that subsisting under the Instrument of Assession.

The Constitution of the Indian Union therefore, clearly envisaged the convening of a Constituent Assembly for the Jammu and Kashmir State which would be finally competent to determine the ultimate position of the State in respect as in the shape of permanent provisions of the Constitution.

This briefly, in the position which the Constitution of India has accorded to our State. I would like to make it clear that any suggestions of altering arbitrarily this basis of our relationship with India would not constitute a breach of our spirit and letter of the Constitution, but it may invite serious consequences for a harmonious association of our State with India.

The formula evolved with the agreement of the two Governments was framed and reasons advanced to have this basis changed seem completely devoid of substance.

In arriving at this arrangement, the main consideration before our Government was to secure a position for the State which would be consistent with the requirements of maximum autonomy for the local organs of State Power which are the ultimate source of authority in the State while discharging obligation as a unit of the Federation.

I would, therefore, plead that the validity of such constitutional arrangement should not be appraised academically but in the proper context of the extraordinary circumstances through which the State has been passing for the last five years or so. Since the State was invaded in 1947, the situation here has been bristling with such compelling urgencies as needed drastic administrative and economic changes. The revolutionary conditions prevailing in our State could be coped with only through extraordinary measures. The Government of the State was, therefore, called upon to take vital decisions which could not wait. Accordingly, it enacted laws which were calculated to transform the social and economic fabric of the common people. With the improvement in the internal situation of the country, the necessity for a legislature become obvious. Consequently, it was decided to convene a Constituent Assembly which accordingly came into being in October, 1951.

The Hon'ble Members are aware that as the leader of the National Conference party, I indicated in my inaugural address the scope of the decisions which I felt the Constituent Assembly would have to take. I listed the four main issues as pertaining to the main function of the Assembly, viz., the future of the Ruling Dynasty, payment of compensation for the land transferred to cultivators under the Big Landed Estate Act, ratification of the State's accession to India as well as the framing of a Constitution for the State. While discussing these issues in my address to the House, I had given clear indication of my party's view in regard to them. I had also an occasion to place my point of view on these issues before the representa-

tives of the Government of India and I had the satisfaction that they approved of it.

When the Constituent Assembly commenced its labours, it had to tackle these in course of time. It took decisions in regard to payment of compensation to landlords and it came to the conclusion that no compensation was justified.

The Constituent Assembly has, at present, under its consideration the future of the Ruling Dynasty. In this connection the Basic Principles Committee recommended that the institution of hereditary rulership in the State should be abolished and in future the office of the Head of State should be elective. While accepting the recommendations of the Basic Principles Committee this Assembly charged the Drafting Committee to place before the House appropriate proposals for the implementation of these recommendations.

As I said in the beginning of my statement, such a fundamental decision involved corresponding adjustments in the Indian Constitution and in order to finalise the position in respect of this issue and other matters to it, I and my colleagues had discussions with the representatives of the Government of India as a result of which we arrived at some tentative agreement, the details of which I wish to place before the House.

The Government of India held the view that the fact that the Jammu and Kashmir State was constituent unit of the Union of India led inevitably to certain consequences in regard to some important matters, namely :

- (a) Residuary Powers,
- (b) Citizenship
- (c) Fundamental Rights,
- (d) Supreme Court of India,
- (e) National flag,
- (f) The President of India,
- (g) The Headship of the State,
- (h) Financial Integration,

- (i) Emergency Provisions, and
- (j) Conduct of elections to Houses of Parliament.

Permit me , Mr. President, now to deal with each one of these items and also the agreements arrived at between the Jammu and Kashmir Government and the Government of India in relation to them.

Residuary Powers

It was agreed that while under the present Indian Constitution, the Residuary Powers vested in the Centre in respect of all the State other than Jammu and Kashmir in the case of our State, they rested in the State itself. This position is compatible with Article 370 of the Indian Constitution and the Instrument of Accession on which this Article is based. We have always held that the ultimate source of sovereignty resides in the people. It is, therefore, from the people that all powers can flow. Under these circumstances, it is up to the people of Kashmir through this Assembly to transfer more powers for mutual advantage to the custody of the Union.

Citizenship

It was agreed that in accordance with Article 5 of the Indian Constitution persons who have their domicile in the Jammu and Kashmir State shall be the citizen of India. It was further agreed that the State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law would apply. It was also agreed that special provisions should be made in the laws governing citizenship to provide for the return of these permanent residents of Jammu and Kashmir State, who went to Pakistan in connection with the disturbances of 1947 or in fear of them, as well as of those who had left for Pakistan earlier but could not return. If they returned, they should be entitled to the rights, and privileges, and obligations of citizenship.

There are historic reasons which necessitate such constitutional safeguards as for centuries past, the people of the State

have been victims of exploitation at the hands of their well-to-do neighbours. The Hon'ble Members are perhaps aware that in the last twenties, the people of Jammu and Kashmir agitated for the protection of their bonafide rights against the superior competing interests of the non-residents of the State. It was in response to this popular demand that the Government of the day promulgated a Natification in 1972 by which a strict definition of term "State Subject" was provided. I am glad to say that the Government of Indai appreciated the need for such a safeguard. No difinition of the special rights and privileges of the residents of the State can afforded to remain static. The need may arise at one stage or the other to liberalise such a difinition. The important of the fact that State Legislature shall retain powers to be able to effect such modification becomes obvious in this context.

There is yet another class of State Subject whose interests had to be safeguarded. The Hon'ble Members of this House are aware that on account of the disturbances of 1947 and also as a consequence of the invastion of this country by Pakistan, large numbers of residents of this State suffered dislocation. We have, therefore, to visulatize the possibility of their return to their homes and hearhs as soon as normal conditions are restored. It has been rovided only for those residents of the State who are at present stranded in Pakistan. I would like to make it clear, as I have stated earlier, that this protection will operate only when the conditions are normal and such conditions naturally presume that the resettlement of the dislocated population, whether Muslim or non-Muslim, cannot be one-sided or unilateral.

Fundamental Rights

It is obvious that while our constitution is being framed, the fundamental rights and duties of a citizen have necessarily got to be defined. It was agreed, however, that the Fundamental Rights, which are contained in the Constitution of India could not be conferred on the residents of the Jammu and Kashmir State in their entirety taking into account the economic, social and political character of our movement as enun-

ciated in the New Kashmir Plan. The need for providing suitable modifications, amendments and exeptions as the case may be in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted. Particular care would have be taken to preserve the basic charactar of the decisions taken by this House on the question of land compensation as well as the laws relating to the transfer of land to the tiller and other matters. The main to be deterined is whether the Chapter of our Fundamental Right should form a part of the Kashmir Constitution or that of the Union Constitution.

Supreme Court

It was agreed taht the Supreme Count should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the Superme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State.

On behalf of the Government of India, it was recommended that the Advisory Board in the State, designated "His Highness's Board of Judicial Advisers" should be abolished and the jurisdiction exercised by it should be vested in the Superme Court of India. That is to say that the Supreme Court should be final Court of appeal in all civil and criminal matters as laid down in the Constitution of India.

We, however, felt that this would need a detailed examination and consequently it was agreed that we should have time to consider it futher.

National Flag

We agreed that in view of the clarifications issued by me in my public statemetns while interpreting the resolution of this House according to which the old State flag was in no sense a rival of the National flag. But for historical and other reasons connected with the freedom struggle, in the State, the need for the continuance of this flag was recognized. The Union flag to which we continue our allegiance as a part of the Union will occupy the supremely distinctive place in the State.

President of India

It was agreed that the powers to grant reprieve and commute death sentences, etc. should also belong to the President of the Union.

Headship of the State

I am glad to inform this House that the Government of India have appreciated the principle proposed by the Basic Principle Committee as deputed by this Assembly in regard to the abolition of the hereditary rulership of the State. In order to accommodate this principle, the following arrangement was mutually agreed upon.

- (i) The Head of the State shall be the person recongnized by the President of the Union on the recommendation of the Legislature of this State.
- (ii) He shall hold office during the pleasure of the President.
- (iii) He may, by writing under his hand addressed to the President resign his office.
- (iv) Subject to the foregiong provisions, the Head of the State shall hold office for a termof five years from the date he entrns upon his office.
- (v) Provided that he shall, notwithstanding the expiration of his term, continure to hold the office untill his successor enters upon his office.

Financial Integration

In regard to his subject, we agreed that it would be necessary to enolve some sort of financial arrangement between the State and the Indian Union. But as this involved far-reaching consequences, it was that a detailed and objective examination of this subfect wahat the necessary.

Emergency Powers

On behalf of the Government of India, it was stated that the application of Articel 352 of the Constitution was necessary as it related to vital matters affecting the security of the State. They did not press for the applicatin of Article 356 or 360.

On behalf of the Kashmir Delegation, it was stated that the application of Article 352 to the State was not necessary. In the event of war or external aggression, item I in the Seventh Schedule relating to the defence of India applied and the Government of India would have full authority to take any steps in connection with defence, etc. In particular, we were averse to internal disturbance being referred to in this connection, as even some petty internal disorder might be considered sufficient for the application of Article 352.

In reply it was pointed out that Article 352 could only be applied in a state of grave emergency and not because of some small disorder or disturbance.

In order to meet our viewpoint, it was suggested on behalf of the Government of India that Article 352 might be accepted as it is, with the addition at the end of the first paragraph (1) of the following words : "but in regard to internal disturbance at the request or with concurrence of the Government of the State."

We generally accepted this position, but wanted some time to consider the implications and consequences as laid down in Article 353, 358 and 359 which on the whole we accepted. In regard to Article 354, we wanted to examine it further before expressing our opinion.

Conduct of Elections to Houses of Parliament

Article 324 of the Indian Constitution already applies to the State in so far as it relates to elections to Parliament and to the offices of the President and the Vice-President of India.

I have put before this House the broad indications of the agreements arrived at between us and the Government of India. As the Hon'able Members will, no doubt, observe, the attitude of the Government of India has been most helpful. A satisfactory position has emerged and we are now able to assess the basic issues of our constitutional relationship with India in clearer terms. There has been a good deal of accommodation of our respective points of view. Both the representatives of the Government of India and the Kashmir Delegation, have been

impelled by the desire to strengthen further the existing relationship to remove all obscurity and vagueness. We are convinced, as ever before, that we have the full support both of the Government and the people of India in the fulfilment of our democratic ideals and the realization of our objectives.

Thus goodwill and amity, I am sure, will result in the consolidation of freedom and democracy in our country. I may, however, emphasize that the supreme guarantee of our relationship with India is the identity of the democratic and secular aspirations, which have guided the people of India as well as those of Jammu and Kashmir in their struggle for emancipation and before which all constitutional safeguards will take a secondary position.

It is, of course for the Constituent Assembly, which is seized of these matters, to determine the extent and scope of the State's accession to India. The Assembly may agree to continue this relationship on the present basis or extend its scope as it might like and consider feasible and proper. In the course of framing the Constitution of State, the Hon'ble Members of this Assembly will have an opportunity of discussing these agreements and expressing their views thereon.

5

Internal Problems

**Telegram from Provincial National Conference Committee Jammu to the Viveroy and Maharaja of Kashmir
2th June, 1946**

The solution of the Kashmir problem is a test for the honesty of the British Government. The people of the State deserve the same status as the people of British India deserve. Our State is at present confronted with a most critical situation. None but Sheikh Abdullah and his comrades can face this situation. Their immediate release is very essential. The present ministry consists mostly of the enemies of the people. This ministry is keeping the leaders behind the prison bars by way of mischief. The idea of Azad Kashmir is ridiculous. The wisest course is to join the Indian Union under the leadership of Sheikh Abdullah.

Statement of Sheikh Mohammad Abdullah before the Sessions Court, Srinagar
(Extract)

I am not interested in a personal defence, and I would not have undertaken it if I had not felt that my trial for 'Sedition' is something far more than a personal charge against me. It is, in effect, a trial of entire population of Jammu and Kashmir, even though some of them, being content with their transient

personal interests or out of fear, may not be prepared to recognise or openly declare this.

Oppressed by the extreme poverty and lack of freedom and opportunity of the people of Jammu and Kashmir State. I and my colleagues of the Jammu and Kashmir National Conference, many of whom are behind prison bars or in exile today, have humbly sought to serve them during the past sixteen years. We have endeavoured to give faithful expression to the growing consciousness among the people of their imprescriptable rights, aspirations and desire for freedom. This has attracted the penal and preventive provisions of law. Where law is not based on the will of the people, it can lend itself to the suppression of their aspirations. Such law has no moral validity even though it may be enforced for a while. There is a law higher than that, the law that represents the people's will and secures their well-being, and there is the tribunal of human conscience, which judges the ruler and the ruled alike by standards which do not change by the arbitrary will of the most powerful. To that law I gladly submit and that tribunal I shall face with confidence and without fear, leaving it to history and posterity to pronounce their verdict on the claims I and my colleagues have made not merely on behalf of the four million people of Jammu and Kashmir but also of the ninety-three million people of all the States of India. That claim has not been confined to the people of a particular race, or religion or colour. It applies to all for I hold that humanity as a whole is indivisible by such barriers and human rights must always prevail. The fundamental rights of all men and women to live and act as free beings, to make laws and fashion their political, social and economic fabric, so that they may advance the cause of human freedom and progress, are inherent and cannot be denied though they may be suppressed for a while. I hold that sovereignty resides in the people, all relationships political, social and economic, derive authority from the collective will of the people.

It was clear that the old treaties with the States had to go. They represented something that had no relation to the modern world or to the India of today. They could not be recon-

ciled with the inevitable changes in India and in the States. If this was clear to begin with, it became an accepted fact by the statement issued by Cabinet Delegation of 16th May last. That statement declared that paramountcy would end when the new constitution of free India came into being. It was an inevitable consequence that the old treaties and sanads and other engagements would go the way of paramountcy and the British Government being out of the picture, a new relationship would have to be negotiated between what is now known as British India and the States. The demand for the abrogation of the Amritsar Treaty was, in effect, disposed of by this clear decision. The future constitutional set-up in the State of Jammu and Kashmir cannot derive authority from the old source of relationship which was expiring and bound to end soon. That set-up could only rest on the active will of people of the State, conferring on the Head of the State the title and authority drawn from the true, and abiding source of sovereignty, that is the people. The "Quit Kashmir" cry symbolised and gave concrete shape to this demand for the termination of a system of Government which was in process of dis-solution all over India. The cry had nothing personal about it.....

Some allegations have been made that "Quit Kashmir" had communal or communist inspiration. This is a travesty of fact and I deny and repudiate these allegations. The National Conference is essentially a national organisation, including in its fold all people who agree with its objective, and co-operating with the All-India States People's Conference, with which it is affiliated. It stands in the All-India context for the independence and freedom of India. It stands also for social and economic changes to end privilege and to raise the masses.

**Resolution : Congress Working Committee on Kashmir
21st November, 1946**

The Working Committee have previously expressed their disapproval of the activities of Kashmir authorities during the past few months in repressing the people of the State and denying them their normal civil liberties. The Committee had proposed to send a deputation to enquire into these matters in

Kashmir State and had invited the state authorities to cooperate in this task. The response from those authorities was not satisfactory and conditions in various parts of India delayed any action state that the Kashmir authorities are preventing free and fair elections to the State Assembly and have arrested the President and members of the Election Committee of the Kashmir National Conference. The Committee takes a serious view of the flouting of public opinion and of activities which must reduce the coming election to a farce

Statement of Mir Waiz Moulvi Yousuf Shah on Congress Working Committee Resolution dated 25th September, 1946

The Congress Working Committee has decided to send a deputation to Kashmir to inquire into the political conditions prevailing here. This interference into the domestic politics of Kashmir is a positive proof of the fact that the Congress leaders still cherish the dream of turning Kashmir into an anti-Pakistan base. The Working Committee has complained that the Kashmir Government has not dealt with the recent affairs in a friendly manner. The people of Jammu and Kashmir are fully aware of the fact that the Congress has no genuine sympathy for them. The tears they are shedding for Kashmiris are those of crocodile. Behind the smoke screen of the alleged atrocities of the Kashmir Government the Hindu capitalists want to get the State into their grip, but they should note that all their efforts in this respect are bound to fail.

We do not say that Kashmir Government should ban the entry of any deputation to Kashmir but I warn that if it gets terrified at the might of the Congress and strikes an unholy alliance with opposition of the Muslims. And this sinister alliance will be smashed to pieces.

I trust that the Kashmir Government would, in the interest of peace, boldly face the Congress onslaught. The Congress has obviously taken into its head to enslave whole of Muslim India. I can say it without any fear of contradiction that the sending of a delegation to Kashmir is a part of the sinister game.

The Muslims of Kashmir have warded off Pt. Nehru's

invasion in 1940, 1945 and 1946. Now he is again out to make a fresh attempt and it is the duty of the Kashmir Muslims particularly and all the well wishers of the country generally to smash-up this onslaught.

Press Statement : Chowdhry Hamidullah Khan President Jammu and Kashmir Muslim Conference, 10th May, 1947
(Extract)

The British Paramountcy of the States has come to an end. It has been transferred to the people. No solution has so far been found out for conceding the demands of various communities living in India. If Kashmir has to keep itself aloof from carnage and bloodshed it should lose no time in adopting a strong and bold policy. His Highness the Maharaja Bahadur should declare Kashmir independent immediately. A separate constituent assembly to frame the constitution for the state according to the wishes of the people, should be established at once. His Highness the Maharaja Bahadur will receive the cooperation of Muslims in carrying out this policy. The Muslims form 80% of the population. They are represented by the Muslim Conference. The Muslims will welcome the Maharaja Bahadur as the first constitutional ruler of independent and democratic Kashmir.

Statement of Acharya Kripalani, Congress President at Mujahid Manzil, Srinagar dated 21st May, 1947
(Extract)

You should not worry of 1 fail in my Kashmir mission. You can lead a prosperous life, if your Maharaja is happy. I had a desire to see the Maharaja Bahadur also. But unfortunately he has stayed at Jammu, I hope to get the privilege of seeing the Maharaja Bahadur, I have not come here to persuade the State to participate in the Constituent Assembly. We are always prepared to give you all possible help, whenever you require it. We shall sacrifice our lives for you. You should strengthen your organisation and pay your attention towards mutual cooperation. I appeal to the people to save the State from communal disharmony and disturbances at any cost. You should help one another irrespective of caste and creed. The

Government will try to sow seeds of communal troubles in the States through its agents. But you should purge your organisation of such elements so that your State may remain immune from communal disturbances.

Resolution : Congress Workings Committee on States, dated 15th June, 1947

The Committee does not agree with the theory of paramountcy as enunciated and interpreted by the British Government but even if that is accepted, the consequences that flow from the lapse of paramountcy are limited in extent. The privileges and obligations as well as the subsisting rights as between the State and the Government of India cannot be adversely affected by the lapse of paramountcy. These rights and obligations have to be considered separately and renewed or changed by mutual agreement. The relationship between the Government of India and the States would not be exhausted by lapse of paramountcy. The lapse does not lead to the independence of the States.

Resolution : Kisan Mazdoor Conference, September 5, 1947
(Extract)

The most important national problem facing the people of Jammu and Kashmir at the present moment is whether the State should accede to India or to Pakistan. The future of the country depends on the solution of this problem. If it is solved in a right way the four million State people can live peacefully and comfortably in future; they will then also make sound progress. Otherwise the State shall have to face civil war and ruin. Five months ago meetings of the Working Committee and the General Council of the Kisan Mazdoor Conference were held at Achhabal on 6th and 7th April. A resolution was adopted in these meetings advising the Maharaja of Kashmir that after establishing friendly relations with both the Congress and the Muslim League he should declare the independence of the State and that simultaneously he should introduce complete responsible Government in the country. Things have moved with lightening rapidity during past five months. On 3rd June the British Government announced a plan of India's independence

which has been accepted by both the Congress and the Muslim League. According to the Plan the subcontinent has been partitioned on the very day of independence. Today the two dominions of India and Pakistan are in existence. The basic principle which guided the partition of the country according to 3rd June plan was that all the provinces and districts where Hindus are in majority have been included in the Indian Union and all those regions where Muslims are in a majority have been put together to form Pakistan. The provinces of the Punjab and Bengal have been divided into two parts each under the operation of the same principle. The district of Sylhet in Assam has also been included in the province of East Pakistan according to it.

British statemen and the Indian politicians particularly the Congress leaders have advised the native rulers that they should join either of the two dominions and should in no case remain independent. Lord Mountbatten in his capacity as Viceroy made an important pronouncement that while deciding to accede to either dominion the Princes should take into consideration the geographical position of their respective States that is the right decision for a State will be to accede to the dominion which is adjacent to it.

The Working Committee of the Kisan Mazdoor Conference has fully and carefully considered the developments of the last five months. It has also consulted the majority of the members of the General Council of the Conference. The Committee is of the opinion that there is now no alternative before the State but to join Pakistan. If she does not do so, the country and its people shall have to face immense trials and tribulations.

Hundreds of the States have already acceded to either the Indian Union or Pakistan in accordance with the principle on the basis of which the subcontinent was partitioned. At present only two of the States.....Kashmir and Hyderabad.....remain which have taken no decision yet. Recent developments show that these two states also cannot remain aloof for a long time and soon they shall have to decide about their future.

The overwhelming majority of Kashmir's populations is

Muslim. The State is contiguous with Pakistan territories. All the three big highways and all the rivers of the State go into Pakistan. For these reasons the Working Committee is of the opinion that the State should accede to Pakistan. This alone will be the natural and the right course to adopt. The state cannot remain independent nor can it, owing to its overwhelming Muslim population and being adjacent to the Pakistan territories, accede to India. The Working Committee hold the view that the majority of the population desire to accede to Pakistan and the welfare of the 39 Lakhs of peasants and workers also lies in this.

The Working Committee appeals to all the people of the State in general, to whatever section, caste or creed they belong, and the working classes in particular that they should unanimously request the Maharaja to declare the State's accession to Pakistan.

If the Maharaja entertains any doubts the obvious public opinion that the State should accede to Pakistan then he should order a referendum in which all adults should have the right to vote on the issue whether the State should accede to India or to Pakistan.

The Working Committee hopes that the people from all parts of the State will support this democratic method of solution so that peace is maintained and the country can progress.

Resolution of Kashmir Socialist Party dated September 18, 1947

(Extract)

The Kashmir Socialist party has given their best and closest consideration to the question whether the State of Jammu and Kashmir should accede to India or to Pakistan or it should remain independent. The Party is of the opinion that in view of the development during the last few months the natural and the best course for the State to adopt would be to join Pakistan and not India. For obvious and substantial reasons the Party believes that the State cannot remain independent. After mature consideration the Party has arrived at the decision that in the best interests of the poor and backward people accession to

Pakistan is desirable. The Party impresses upon the Maharaja that without any further unnecessary delay he should make an announcement accordingly.

Kashmir-Pak Standstill Agreement. Telegram from Prime Minister, Kashmir State, to Sardar Abdur Rab Nishtar, States Relations Department, Karachi dated 12th August, 1947

Jammu and Kashmir Government would welcome Standstill Agreement with Pakistan on all matters on which these exist at present moment without going British Indian Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreement.

Telegram from Foreign Secretary, Government of Pakistan, Karachi, to Prime Minister of Jammu and Kashmir, Srinagar dated 15th August, 1947

Your telegram of the 12th. The Government of Pakistan agree to have a Standstill Agreement of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements.

Maharaja's Accession offer to India

Text of letter October 26, 1947, from Sri Hari Singh, the Maharaja of Jammu and Kashmir to Lord Mountbatten, the Government-General of India.

My dear Lord Mountbatten,

I have to inform your Excellency that a grave emergency has arisen in my State and request immediate assistance of your Government.

As your Excellency is aware the State of Jammu and Kashmir has not acceded to the Dominion of India or to Pakistan. Geographically my State is contiguous to both the Dominions. It has vital economical and cultural links with both of them. Besides my State has a common boundary with the Soviet Republic and China. In their external relations Dominion of India and Pakistan cannot ignore this fact.

I wanted to take time to decide to which Dominion I should accede, or whether it is not in the best interests of both the Dominions and my State to stand independent, of course with friendly relations with both.

I accordingly approached the Dominions of India and Pakistan to enter into Standstill Agreement with my State. The Pakistan Government accepted this Agreement. The Dominion of India desired further discussions with representatives of my Government. I could not arrange this in view of the developments indicated below. In fact the Pakistan Government are operating Post and Telegraph system inside the State.

Though we have got a Standstill Agreement with the Pakistan Government permitted steady and increasing strangulation of supplies like food, salt and petrol to my State.

Afridis, soldiers in plain clothes and desperadoes with modern weapons have been allowed to infiltrate into the State at first in Poonch and then in Sialkot and finally in mass area adjoining Hazara District on the Ramkot side. The result has been that the limited number of troops at the disposal of the State had to be dispersed and thus had to face the enemy at the several points simultaneously, that it has become difficult to stop the wanton destruction of life and property and looting. The Mahora, power-house which supplies the electric current to the whole of Srinagar has been burnt. The number of women who have been kidnapped and raped makes my heart bleed. The wild forces thus let loose on the State are marching on with the aim of capturing Srinagar, the summer Capital of my Government, as first step to over running the whole State.

The mass infiltration of tribesmen drawn from the distant areas of the North-West Frontier coming regularly in motor trucks using Mansehra-Muzaffarabad Road and fully armed with up-to-date weapons cannot possibly be done without the knowing of the Provincial Government of the Pakistan. In spite of repeated requests made by my Government no attempt has been made to check these raiders or stop them from coming to my State. The Pakistan Radio even put out a story that a Provisional Government has been set up in Kashmir.

The people of my State both the Muslims generally have taken no part at all.

With the conditions obtaining at present in my State and the great emergency of the situation as it exists, I have no option but to ask for help from the Indian Dominion. Naturally they cannot send the help asked for by me without my State acceding to the Dominion of India. I have accordingly decided to do so and I attach the Instrument of Accession for acceptance by your Government. The other alternative is to leave my State and my people to free-booters. On this basis no civilized Government can exist or be maintained. The alternative I will never allow to happen as long as I am Ruler of the State and I have life to defend my country.

I may also inform your Excellency's Government that it is my intention at once to set up an interim Government and ask Sheikh Abdullah to carry the responsibilities in this emergency with my Prime Minister.

If my State has to be saved immediate assistance must be available at Srinagar. Mr. Menon is fully aware of the situation and he will explain to you, if further explanation is needed.

In haste and with kindest regards.

**Instrument of Accession of Jammu and Kashmir State
dated 26 October, 1947**

Whereas, the Indian Independence Act, 1947, provides that as from the fifteenth day of August 1947, there shall be set up an independent Dominion known as INDIA and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modifications as the Governor-General may by order specify, be applicable to the Dominion of India.

And whereas the Government of India Act, 1935, as so adopted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I, Shriman Indar Mahandar Rajrajeshwar Maharajadhiraj Shri Hari Singhji, Jammu Kashmir Naresh Tatha Tibet adi Deshahipathi, Ruler of Jammu and KASHMIR State,

in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and.

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purpose only of the Dominion, exercise in relation to the State of Jammu and Kashmir (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947 (which Act as so in force is hereafter referred to as "the Act").

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian independence Act, 1947, unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a

Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of October, nineteen hundred and forty-seven.

Acceptance of Instrument of Accession of Jammu and Kashmir State

I do hereby accept this Instrument of Accession.

Dated this twenty-seventh day of October, nineteen hundred and fortyseven.

Mountbatten of Burma

Governor-General of India

Reply of 27 October 1947, from Lord Mountbatten to Maharajah Sir Hari Singh

My dear Maharajah Sahib,

Your Highness's letter, dated the 26th October, has been delivered to me by Mr. V.P. Menon. In the special circumstances mentioned by Your Highness, my Government have

decided to accept the accession of Kashmir State to the Dominion of India. Consistently with their policy that, in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my Government's wish that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader, the question of the State's accession should be settled by a reference to the people. Meanwhile, in response to your Highness's appeal for military aid, action has been taken today to send troops of the Indian Army to Kashmir to help your own forces to defend your territory and to protect the lives, property and honour of your people.

My Government and I note with satisfaction that your Highness has decided to invite Sheikh Abdullah to form an Interim Government of work with your Prime Minister.

Yours sincerely,
(Sd/-) Mountbatten of Burma

Chief Secretariat (General Department). Emergency Administration Order No. 176-H of 1947, 30th October, 1947

We are hereby pleased to command that pending the formation of the Interim Government as agreed upon and in view of the emergency that has arisen I charge Sheikh Mohammad Abdullah to function as the Head of the Administration with power to deal with the emergency.

Sheikh Mohammad Abdullah be sworn in by the Chief Justice or any other Judge of the High Court at Srinagar.

(Sd/-) Hari Singh
Maharaja

Emergency Council

1. The Hon'ble Sheikh Mohammad Abdullah, Head of Emergency Administration.

2. The Hon'ble Bakshi Ghulam Mohammad, Deputy Head of Administration.
3. The Hon'ble Mirza Mohd. Afzal Beg, Emergency Officer, Anantnag District.
4. The Hon'ble G. M. Sadiq, Emergency Officer, Internal Security, Home Guards, Cultural Front.
5. The Hon'ble Sham Lal Saraf, Emergency Officer, Trade and Supplies.
6. The Hon'ble Girdhari Lal Dogra, Emergency Officer, Kathua.
7. The Hon'ble Sardar Budh Singh, Emergency Officer, (Goodwill Mission to Jammu).
8. The Hon'ble Pt. Lal Kilam, Emergency Officer, Food.
9. Maulana Mohd. Syed, Emergency Officer, Publicity.
10. Kh. Gulam Moni-ud-din, Emergency Officer, Communications.
11. Kh. Abdul Ahad, Emergency Officer. (Firewood, Fuel.)
12. Soofi Mohd. Akbar, Emergency Officer, Baramulla.
13. Peer Mohd. Maqbool, Emergency Officer, Muzaffarabad.
14. Pt. Kashapa Bandhu, Emergency Officer, Refugees & Rehabilitation.
15. Mr. Mohi-ud-Din Hamdani, Emergency Officer, Peace Brigade.
16. Mr. D.P. Dhar, Secretary, Internal Security & Law and Order.
17. Mr. J.N. Zustshi, Private Secretary to the Head of Administration and Secretary to the Emergency Council.
18. Kh. Ahsan Ullah, Emergency Officer, Transport.
19. Mr. Mohd. Amin, Emergency Officer, Banihal.
20. Col. Ram Lal, Emergency Officer, Home Guards.
21. Col. Baldev Singh Pathania, Chief Emergency Officer, Jammu.

22. Col. Adalat Khan, Chief Administrative Officer, Bhadarwah.
23. Col. Baldev Singh Samval, Emergency Officer, Border Scouts, Jammu.

Proclamation of Shreeman Inder Mohinder Rajrajeshwar Maharajadhiraj Shree Hari Singh Ruler of Jammu and Kashmir and Dependencies, dated 5th March, 1948

In accordance with the traditions of my dynasty I have, from time to time, provided for increasing association of my people with the administration of the State with the object of realising the goal of full Responsible Government at as early a date as possible and in pursuance of that object have, by the Jammu and Kashmir Constitution Act of 1966 (xiv of 1966) established a Constitutional Government with a Council of Ministers, a Legislature with a majority of elected members and an independent Judiciary;

I have noted with gratification and pride the progress so far made and the legitimate desire of my people for the immediate establishment of a fully democratic constitution based on adult franchise with a hereditary Ruler from my dynasty as the Constitutional Head of an Executive responsible to the legislature;

I have already appointed the popular leader of my people Sheikh Mohammad Abdullah as the Head of the Emergency Administration.

It is now my desire to replace the Emergency Administration by a Popular Interim Government and to provide for its powers, duties and functions, pending the formation of a fully democratic Constitution.

1 Accordingly HEREBY ORDIAN AS FOLLOWS

1. My Council of Ministers shall consist of the Prime Minister and such other Ministers as may be appointed on the advice of the Prime Minister. I have by Royal Warrant appointed Sheikh Mohammad Abdullah as the Prime Minister with effect from today.
2. The Prime Minister and other Ministers shall function

as a Cabinet and act on the principle of joint responsibility. A Dewan appointed by me shall also be a member of the Cabinet.

3. I take this opportunity of giving once again a solemn assurance that all sections of my people will have opportunities of service, both civil and military, solely on the basis of their merits and irrespective of creed or community.
4. My Council of Ministers shall take appropriate steps, as soon as restoration of normal conditions has been completed, to convene a National Assembly based upon adult suffrage, having due regard to the principle that the number of representatives from each voting area should, as far as practicable, be proportionate to the population of that area.
5. The Constitution to be framed by the National Assembly shall provide adequate safeguards for the minorities and contain appropriate provisions guaranteeing for the freedom of conscience, freedom of speech and freedom of assembly.
6. The National Assembly shall, as soon as the work of framing the new constitution is completed, submit it through the Council of Ministers for my acceptance.
7. In conclusion I repeat the hope that the formation of a popular Interim Government and the inauguration, in the near future, of a fully Democratic Constitution will ensure the contentment, happiness and the moral and material advancement of my beloved people.

**Proclamation Government Gazette Dated 7th Har 2006/
9th June, 1949**

Whereas I have decided for reasons of health to leave the State for a temporary period and to entrust to the Yuvaraj Shree Karan Singh Ji Bahadur for that period all my powers and functions in regard to the Government of the State.

Now, therefore, I hereby direct and declare that all powers and functions, whether legislative, executive or judicial which

are exercisable by me in relation to the State and its Government, including in particular my right and prerogative of making Laws, of issuing Proclamations, Orders and Ordinances of remitting, commuting or reducing sentences and of pardoning offenders, shall during the period of my absence from the State be exercisable by Yuvaraj Shree Karan Singh Ji Bahadur.

Sd/-Hari Singh
Maharajadhiraj

Resolution, National Conference, 1950

This meeting of the General Council of the All Jammu and Kashmir National Conference views with great concern the repeated failure of the U.N. to redress the wrong of aggression of which the people of the State continue to be victims. This failure in its opinion is due to the continued concessions given to Pakistan by placing a premium on her intransigence.

The indecision and unrealistic procedure adopted so far has condemned the people of the State to a life of agonizing uncertainty. The All Jammu and Kashmir National Conference is gravely concerned and cannot any longer afford to ignore the perpetuation of these conditions of doubt and frustration. In the opinion of the General Council, time has come when the initiative must be regained by the people to put an end to this indeterminate State of drift and indecision.

The General Council recommends to the Supreme National Executive of the people to take immediate steps for convening a Constituent Assembly based upon adult suffrage and embracing all sections of the people and all the Constituents of the State for the purpose of determining the future shape and affiliations of the State of Jammu and Kashmir. In this sovereign Assembly embodying the supreme will of the people of the State, we shall give ourselves and our children a constitution worthy of the traditions of our freedom struggle and in accordance with the principles of new Kashmir.

Text of the Proclamation issued by the Head of the Jammu and Kashmir State on 1st May, 1951

Whereas it is the general desire of the people of the State of Jammu and Kashmir that a Constituent Assembly should be brought into being for the purpose of framing a Constitution for the State :

Whereas it is commonly felt that the convening of the Assembly can no longer be delayed without detriment to the future well-being of the State :

And whereas terms of the proclamation of the Maharaja dated 5 March, 1948 in regard to the convening of a national assembly as contained in clauses 4 to 6 of the operative part thereof do not meet the requirements of the present situation;

1. A Constituent Assembly consisting of representatives of the people, elected on the basis of adult franchise, shall be constituted forthwith for the purpose of framing a constitution for the State of Jammu and Kashmir;
2. For the purpose of the said elections the State shall be divided into a number of territorial constituencies each containing a population of 40,000 or as near thereto as possible, and each electing one member. A delimitation Committee shall be set up by the Government to make recommendations as to the number of constituencies and the limits of each constituency;
3. Elections to the Constituent Assembly shall be on the basis of adult franchise, that is to say, every person who is a State subject of any class, is not less than twenty-one years of age on the first day of March, has been a resident in the constituency for such period as may be prescribed by the rules, shall be entitled to register in the electoral rolls of that constituency, provided that any person who is of unsound mind or has been so declared by a competent court shall be disqualified for registration;
4. The vote at the election shall be direct and by secret ballot;

5. The Constituent Assembly shall have power to act notwithstanding any vacancy of the Membership thereof;
6. The Constituent Assembly shall frame its own agenda and make rules for the governing of its procedure and the conduct of its business;

The Government shall make such rules and issue such instructions and orders as may be necessary to give effect to the terms of this proclamation.

Speech of the Hon'ble Sheikh Mohammed Abdullah in the Constituent Assembly

(Extract)

We must remember that our struggle for power has now reached its successful climax in the convening of this constituent Assembly. It is for you to translate the vision of New Kashmir into reality, and I would remind you of its opening words, which will inspire our labours :

"We the people of Jammu, Kashmir, Ladakh and the Frontier regions, including Poonch and Chenani Illaqa commonly known as Jammu and Kashmir State in order to perfect our union in the fullest equality and self-determination to raise ourselves and our children forever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit valleys of plenty, ruled by freedom, and honest toil, in worthy participation of the historic resurgence of the peoples of East, and the working masses of the world, and in determination to make this our country a dazzling gem on the snowy bosom of Asia, do propose and propound the following constitution of our State."

This was passed at the 1944 session of the National Conference in Srinagar. Today, in 1951, embodying aspirations, men and women from the four corners of the State in this Constituent Assembly have become the repository of its sovereign authority. This Assembly, invested with the authority of a constituent body, will be the fountain-head of basic laws,

laying the foundation of a just social order and safeguarding the democratic rights of all the citizens of the State.

You are the sovereign authority in this State of Jammu and Kashmir, what you decide has the irrevocable force of law. The basic democratic principle of sovereignty of the nation, embodied ably in the American and French Constitutions, is once again given shape in our midst. I shall quote the famous work of Article 3 of the French Constitution of 1971 :

“The source of all sovereignty resides fundamentally in the nation.....Sovereignty is one and indivisible inalienable and imprescriptable. It belongs to the nation.”

We should be clear about the responsibilities that this power invests us with. In front of us lie decisions of the highest national importance which we shall be called upon to take. Upon the correctness of our decisions depends not only the happiness of our land and people now, but the fate as well of generations to come.

What then are main functions that this Assembly will be called upon to perform ?

One great task before this Assembly will be to devise a Constitution for the future governance of the country. Constitution-making is a difficult and detailed matter I shall only refer to some of the broad aspects of the Constitution, which should be the product of the labours of this Assembly.

Another issue of vital import to the nation involves the future of the Royal Dynasty. Your decision will have to be taken both with urgency and wisdom, for on that decision rests the future form and character of the State.

The third major issue awaiting your deliberations arises out of the Land Reforms which the Government carried out with vigour and determination. Our “Land to the tiller” policy brought light into the dark homes of the peasantry; but side by side, it has given rise to the problem of the landowners demand for compensation. The nation being the ultimate custodian of all wealth and resources, the representatives of the nation are truly the best jury for giving a just and final verdict

on such claims. So in your hands lies the power of this decision.

Finally, this Assembly will after full consideration of the three alternatives that I shall state later, declare its reasoned conclusion regarding accession. This will help us to canalise our energies resolutely and with greater zeal in directions in which we have already started moving for the social and economic advancement of our country.

To take our first task, that of Constitution-making, we shall naturally be guided by the highest principles of the democratic constitutions of the world. We shall base our work on the principles of equality, liberty and social justice which are an integral feature of all progressive constitutions. The rule of law as understood in the democratic countries of the world should be the cornerstone of our political structure. Equality before the law and the independence of the Judiciary from the influence of the Executive are vital to us. The freedom of the individual in the matter of speech, movement and association should be guaranteed; freedom of the press and of opinion would also be features of our Constitution. I need not refer in great detail to all those rights and obligations already embodied in New Kashmir, which are integral parts of democracy which has been defined as "an apparatus of social organisation wherein people govern through their chosen representatives and are themselves guaranteed political and civil liberties."

you are no doubt aware of the scope of our present constitutional ties with India. We are proud to have our bonds with India, the goodwill of whose people and government is available to us in unstinted and abundant measure. The Constitution of India has provided for a federal union and in the distribution of sovereign powers has treated us differently from other constituent units. With the exception of the items grouped under Defence, Foreign Affairs and communication in the Instrument of Accession, we have complete freedom to frame our Constitution in the manner we like. In order to live and prosper as good partners in a common endeavour for the

advancement of our peoples, I would advise that, while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal cooperation and assistance in this great task, as well as offer our fullest cooperation and assistance to the Union.

Whereas it would be easy for you to devise a document calculated to create a frame work of law and order, as also a survey of the duties and rights of citizens it will need more arduous labour to take concrete decisions with regard to the manner in which we propose to bring about the rapid economic development of the State and more equitable distribution of our national income among the people to which we are pledged. Our National Conference avows its faith in the principle that there is one thing common to men of all castes and creeds and that is their humanity. That being so, the one ailment which is ruthlessly sapping the vitality of human beings in Jammu & Kashmir is their appalling poverty, and if, we merely safeguard their political freedom in solemn terms, it will not affect their lives materially unless it guarantees them economic and social justice. New Kashmir contains a statement of the objectives of our social policy. It gives broadly a picture of the kind of life that we hope to make possible for the people of Jammu & Kashmir and the manner in which the economic organisation of the country will be geared to that purpose. These ideals you will have to integrate with the political structure which you will devise.

The future political set-up which you decide upon for Jammu & Kashmir must also take into consideration the existence of various sub-national groups in our State. Although culturally diverse history has forged an uncommon unity between them; they all are pulsating with the same hopes and aspirations, sharing in each others joys and sorrows. While guaranteeing this basic unity of the State, our constitution must not permit the concentration of power and privilege in the hands of any particular group or territorial region. It must

afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics, without detriment to the integral unity of the State or the requirements of our social and economic policies.

Now let us take up an issue of basic importance which involves the fundamental character of the State itself. As an instrument of the will of a self-determining people who have now become sovereign in their own right, the Constituent Assembly will now re-examine and decide upon the future of the present ruling dynasty, in respect of its authority.

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It is clear that this dynasty can no longer exercise authority on the basis of an old discredited Treaty. During my trial for sedition in the "Quit Kashmir" movement, I had clarified the attitude of my party when I said :

"The future constitutional set-up in the State of Jammu & Kashmir cannot derive authority from the old source of relationship which was expiring and was bound to end soon. The set-up could only rest on the active will of the people of the State, conferring on the head of the State the title and authority drawn from the true and abiding source of sovereignty, that is the people."

On this occasion, in 1946, I had also indicated the basic on which an individual could be entrusted by the people with the symbolic authority of Constitutional Head :

"The State and its Head represent the constitutional circumference and the centre of this sovereignty respectively, the Head of the State being the symbol of the authority with which the people may invest him for the realisation of their aspirations and the maintenance of their rights."

In consonance with these principles, and in supreme fulfilment of the people's aspirations, it follows that a Constitutional Head of the State will have to be chosen to exercise the function which this Assembly may choose to entrust to him.

So far as my Party is concerned, we are convinced that the institution of monarchy is incompatible with the spirit and needs of modern times which demand an egalitarian relationship between one citizen and another. The supreme test of a democracy is the measure of equality of opportunity that it affords to its citizens to rise to the highest point of authority and position. In consequence, monarchies are fast disappearing from the world picture, as something in the nature of feudal anachronisms. In India, too, where before the partition, six hundred and odd Princes exercised rights and privileges of rulership, the process of democratisation has been taken up and at present hardly ten of them exercise the limited authority of constitutional heads of States.

After the attainment of complete power by the people, it would have been an appropriate gesture of goodwill to recognise Maharaja Hari Singh as the first Constitutional Head of the State. But I must say with regret that he has completely forfeited the confidence of every section of the people. His incapacity to adjust himself to changed conditions and his antiquated views on vital problems constitute positive disqualifications for him to hold the high office of a democratic Head of the State. Moreover, his past actions as a ruler have proved that he is not capable of conducting himself with dignity, responsibility and impartiality. The people still remember with pain and regret his failure to stand by them in times of crisis, and his incapacity to afford protection to a section of his people in Jammu.

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Finally we come to the issue which has made Kashmir an object of world interest, and has brought her before the forum of the United Nations. This simple issue has become so involved that people have begun to ask themselves, after three and a half years of tense expectancy, "Is there any solution?" Our answer is in the affirmative. Everything hinges round the genuineness of the will to find a solution. We face the issue straight, the solution is simple.

The problems may be posed in this way. Firstly, was Pakistan's action in invading Kashmir in 1947 morally and legally correct, judged by any norm of international behaviour? Sir Owen Dixon's verdict on this issue is perfectly plain. In ambiguous terms he declared Pakistan an aggressor. Secondly, was the Maharajah's accession to India legally valid or not? The legality of the accession has not been seriously questioned by any responsible or independent person or authority.

These two answers are obviously correct. Then where is the justification of treating India and Pakistan at par in matters pertaining to Kashmir? In fact, the force of logic dictates the conclusion that the aggressor should withdraw his armed forces, and the United Nations should see that Pakistan gets out of the State.

In that event, India herself, anxious to give the people of the State a chance to express their will freely, would willingly cooperate with any sound plan of demilitarization. They would withdraw their forces, only garrisoning enough posts to ensure against any repetition of that earlier treacherous attack from Pakistan.

These two steps would have gone a long way to bring about a new atmosphere in the State. The rehabilitation of displaced people, and the restoration of stable civic conditions would have allowed people to express their will and take the ultimate decision.

We as a Government are keen to let our people decide the future of our land in accordance with their own wishes. If these three preliminary processes were accomplished, we should be happy to have the assistance of international observers to ensue fair play and the requisite conditions for a free choice by the people.

Instead invader and defender have been put on the same plane. Under various garbs, attempts have been made to sidetrack the main issues. Sometimes, against all our ideals of life and way of living attempts divide our territories have been made in the form of separation of our State religionwise, with ultimate plans of further disrupting its territorial integrity. Once an offer

was made to place our country with Commonwealth forces, which threatens to bring in Imperial control by the back door. Besides the repugnance which our people have, however, to the idea of inviting foreign troops on their soil, the very presence of Commonwealth troops could have created suspicion among our neighbours that we were allowing ourselves to be used as a base of possible future aggression against them. This could easily have made us into a second Korea.

The Cabinet Mission Plan has provided for three courses which may be followed by the Indian States when determining future affiliation. A State can either accede to India or accede to Pakistan, but failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State. While the intention of the British Government was to secure the privileges of the Princes, the representatives of the people must have the primary consideration of promoting the greatest good of the common people. Whatever steps they take must contribute to growth of a democratic social order wherein all invidious distinctions between groups and creeds are absent. Judged by this supreme consideration, what are the advantages and disadvantages of our State's accession to either India or Pakistan or of having independent States.

As a realist I am conscious that nothing is all black or all white, and there are many facts to each of the propositions before us. I shall first speak on the merits and demerits of the State's accession to India. In the final analysis, as I understand it, it is the kinship of ideals which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State's people's freedom. The autocratic rule of the Princes has been done away with and representative government have been entrusted with the administration. Steps towards democratisation have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction, and, above all built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy. Moreover, during the last four years, the Government of India has never tried to interfere in our internal

autonomy. This experience has strengthened our confidence in them as a democratic State.

The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial division if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State, which is a throw back to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, colour, caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seeks to favour the interests of one religion or social group against another. This affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

We are also intimately concerned with the economic well-being of the people of this State. As I said before while referring to constitution-building, political ideals are often meaningless unless linked with economic plans. As a State, we are concerned mainly with agriculture and trade. As you know, and I have detailed before, we have been able to put through our "land to the tiller" legislation and make of it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms through, are we sure that in alliance with landlord-ridden Pakistan, with so many feudal privileges intact, that the

economic reforms of ours will be tolerated. We have already heard that news of our Land Reforms has travelled to the peasants of the enemy occupied area of our State, who vainly desire like status, and like benefits. In the second place, our economic welfare is bound up with our arts and crafts. The traditional markets for these precious goods, for which we are justly known all over the world, have been centred in India. The volume of our trade, in spite of the dislocation of the last few years, shows this. Industry is also highly important to us. Potentially we are rich in minerals, and in the raw materials of industry; we need help to develop our resources. India, being more highly industrialised than Pakistan, can give us equipment, technical services and materials. She can help us too in marketing. Many goods also which it would not be practical for us to produce here—for instance sugar, cotton, cloth, and other essential commodities—can be got by us in large quantities from India. It is around the efficient supply of such basic necessities that the standard of the man-in-the-street depends.

I shall refer now to the alleged disadvantages of accession to India.

To begin with, although the land frontiers of India and Kashmir are contiguous, an all-weather road-link as dependable as the one we have with Pakistan does not exist. This must necessarily hamper trade and commerce to some extent particularly during the snowy winter months. But we have studied this question, and, with improvements in modern engineering, if the State wishes to remain with India the establishment of an all-weather stable system of communication, is both feasible and easy. Similarly, the use of the State rivers as a means of timber transport is impossible if we turn to India, except in Jammu where the river Chenab still carries loads to the plains. In reply to this argument, it may be pointed out that accession to India will open up possibilities of utilising our forest wealth for industrial purposes and that, instead of timber, finished goods, which will provide work for our carpenters and labourers, can be exported to India where there is a ready market for them. Indeed in the presence of

our fleets of timber carrying trucks river-transport is a crude system which inflicts a loss of some 20% to 35% in transit.

Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardised. This would happen if a communal organisations had a dominant hand in the Government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession on Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilising relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, "I lift up mine eyes into the hills, from whence cometh my help."

As I have said before, we must consider the question of accession with an open mind, and let our personal prejudices stand in the way of a balanced judgement. I will now invite you to evaluate the alternative of accession to Pakistan.

The most powerful argument which can be advanced in her favour is that Pakistan is a Muslim State, and, big majority of our people claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life but often it leads to irrational action. Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disproved this, Right-thinking men would point out that Pakistan is not an organic unity of all the Muslims in this sub-continent. It has on the country, caused the dispersion of the India Muslims for whose benefit it was claimed to have been created. These are two Pakistan at least a thousand miles part

from each other. There are two Pakistan at least a thousand miles part from each other. The total population of Western Pakistan which is contiguous to our State, is hardly 25 million, while the total number of Muslims resident in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations should choose the forty millions living in India.

Looking at the matter too from a more modern political angle religious affinities alone do not should not normally determine the political alliance of State. We do not find a Christian bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States.

We have another important factor to consider, if the State decides to make this the predominant consideration. What will be the fate of the one million non-Muslims now in our State? As things stands at present there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against the interests of any religious group.

As regards the economic advantages, I have mentioned before the road and river links with Pakistan. In the last analysis, we must however remember that we are not concerned only with the movement of people but also with the movement of goods and the linking up of markets. In Pakistan there is a chronic dearth of markets for our products. Neither, for that matter, can she help us with our industrialisation being herself industrially backward.

On the debit side we have to take into account the reactionary character of her politics and State policies. In Pakistan we should remember that the lot of the States' subjects has not changed and they are still helpless and under the heel of their Rulers who wield the same unbridled power under which we used to suffer here. This clearly runs counter

to our own aspirations for freedom.

Another big obstacle to a dispassionate evaluation of her policies is the lack of a constitution in Pakistan. As it stand at present, this State enjoys the unique position of being governed by a Constitution enacted by an outside Parliament which gives no idea whatsoever of the future shape of civic and social relations. It is reasonable to argue that Pakistan cannot have the confidence of a freedom-loving and democratic people when it has failed to guarantee even fundamental rights of its citizens. The right of self-determination for nationalities is being consistently denied and those who fought against Imperialism for this just right are being suppressed with force. We should remember Badshah Khan and his comrades who laid down their all for freedom, also Khan Abdus Samad Khan and other fighters in Baluchistan. Our national movement in the State considers this right of self-determination inalienable, and no advantage however great, will persuade our people to forego it.

The third course open to us has still to be discussed. We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both State but having friendly relations with them. This might seem attractive in that it would appear to pave the way out of the present deadlock. To us as a tourist country it could also have certain obvious advantages, but in considering independence we must not ignore practical considerations. Firstly, it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Secondly we must have the goodwill of all our neighbours can we find powerful guarantors among that to put together always in assuring us freedom from aggression? I would like to remind you that from August 15 to October 22, 1947 our State was independent and the result was that our weakness was exploited by the neighbour with invasion. What is the guarantee that in future too we may not be victims of a similar aggression.

I have now put the pros and cons of the three alternatives

before you. It should not be difficult for men of discrimination and patriotism gathered in this Assembly to weight all these in the scales of our national good and pronounce where the true well being of the country lies in the future.

An Act further to amend the Jammu and Kashmir Constitution Act, 1996. Act No. XVII of 2008

Whereas it is expedient further to amend Jammu and Kashmir Constitution Act, 1996, with a view to bring it in accord with the spirit of Proclamations dated 5th March 1948, 20th June 1949 and 20th April 1951 and the changes brought about in the actual governace of the State, in the manner hereinafter appearing :

Now, therefore, in exercise of the powers reserved under Section 5 of the J&K Constitution Act, 1996, read with the Proclamation issued by HIs Highness and published in the Extrodinary issue of the Government Gazette, dated 7th Har 2006, Yuvaraj Shree Karan Singh ji Bahadur is pleased to enact as follows :

Short title and Commencement.... (1) This act may be called the Jammu and Kashmir Constitution (Amendment) Act, 2008. (2) It shall come into force at once.

Amendment of section 4, Act XIV of 1996. 2: In Section 4 of the Jammu and Kashmir Constitution Act 1996 (hereinafter rferred to as the 'said act') for the word "except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Hihness", the words "on the advice of the Council except in so far as may be otherwise provided by or under this Act except in regard to those matters enumerated in List I in the Seventh Schedule to the Constitution of India with respect to which the Parliament of India has power to make law for the State" shall be substituted.

Omission of section 5, Act XVI of 1996. 3: Section 5 of the said Act shall be omitted.

Amendment of section 6, Act XIV of 1996. 4 : In section 6 of the said Act for the words and figures "Subject always to the provision of section 4 and 5 subject also such rules of

business and allocation of portfolios and such other directions as to consultations with or reports to and confirmation by His Highness on special matters as His Highness may give from time to time by general or special orders in that behalf", the words "Subject to the Provisions of this Act" shall be substituted.

Substitution of section 7, Act XVI of 1996. 5 : For section 7 of the said Act, the following section shall be substituted, namely :

"Constitution of the Council-7. The Council shall consist the Prime Minister appointed by His Highness and such other Ministers of the State as His Highness may appoint on the advice of the prime Minister. The Prime Minister and other Ministers shall be collectively responsible to the Legislative Assembly of the State. The Prime Minister shall be the President of the Council."

Amendment of section 9, Act XVI of 1996. 6 : In the Section 9 of the said Act, for the words "The Prime Minister may with the previous sanction of His Highness", the words "The Council may" shall be substituted.

Insertion of new sections 9-A and 9-B in Act XVI of 1996. 7 : After section 9 of the said Act, the following section shall be inserted namely :

Appointment of Deputy Ministers—9-A.

- (1) His Highness may on the advice of the Prime Minister appoint Deputy Ministers to work in such Ministries as the Council may consider necessary.
- (2) The Deputy Ministers shall be selected from amongst the members of the Legislative Assembly.
- (3) The Deputy Ministers before entering on the duties of the office shall take an oath of office before the Prime Minister in the form set out in Schedule I.

Salaries of Ministers and Deputy Ministers—9-B :

That one such candidate, the Assembly shall proceed to elect the Sadar-i-Riyasat by ballot.

- (4) Where there are only two candidates for election, the candidate who obtains at the ballot the larger number of votes shall be declared elected. If they obtain an equal number of votes, the Speaker or in his absence the person presiding shall exercise his casting vote and the person in whose favour such vote is cast shall be declared elected.
- (5) Where more than two candidates have been nominated and at the first ballots no candidate obtain more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election. and balloting shall proceed, the candidate obtaining the smallest number of votes one candidate obtains more votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidates, or than the aggregate votes of the remaining candidates, as the case may be, and such candidate shall be declared elected.
- (6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-clause (6), the determination, as between the candidates whose votes are equal, of the candidate who is to be excluded shall be by the casting vote of the Speaker or in his absence of the person presiding.
- (7) The Prime Ministers of the State shall communicate the name of the person duly elected by the Assembly as the Sadar-i-Riyasat to the President of India for being recognised as the Sadar-i-Riyasat.
- (8) Oath...The Sadar-i-Riyasat shall, before entering upon his office, make and subscribe in the presence of Chief Justice of the State High Court or in his absence any judge of the High Court available on oath or affirmation in the following form, namely :
"I, A.B., swear in the name of God/solemnly affirm that I will faithfully execute the office of the

Sadar-i-Riyasat, Jammu and Kashmir and will to the best of my ability preserve, protect and defend the Constitution of the State as by law established and that I will devote myself to the service and well-being of the people of the State."

Sheikh Mohammad Abdullah's statement to the Constituent Assembly on Delhi Agreement, 11th August, 1972

(Extract)

I crave permission to make a statement before the House in regard to the constitutional relationship between the Jammu and Kashmir State and the Indian Union. As the Hon'ble Members are aware, during the last session of the Constituent Assembly, the Basic Principles Committee had submitted a report making of the certain specific recommendations about the future Head of the State. The House, while accepting these recommendation, had charged the Drafting Committee to present for the consideration of the Assembly a draft resolution incorporating the proposed principles for the election of the Head of the State. The Deafting Committee will, no doubt, submit its report to the House during this session.

Since the changes proposed by this Assembly involved corresponding adjustments in the Indian Constitution, the Government of India desired that it should have time to discuss with our representatives other matters pertaining to the constitutional relationship of our State with the Union. During the last stage of these discussions it became necessary for me and some of my other colleagues in the Government to participate in the talks. I am now in a position to inform the House that certain broad principles have been laid down and certain decisions have been tentatively arrived at between the two Governments.

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The basis of our relationship with India is the Instrument of Assession which enabled our State to enter into a Union

with India. In accordance with the terms of the Instrument, certain power were transferred to the Centre. The principal matters specified for this purpose in respect to which the Dominion Legislature could make laws for this State were :

- (a) Defence,
- (b) External Affairs, and
- (c) Communications.

This arrangement involved a division of sovereignty which is the normal feature of a Federation. Beyond the powers transferred by it to the Dominion, the State enjoyed complete residuary sovereignty.

These terms of the association of our State with the Dominion of India were maintained; and, subsequently, when the Constituent Assembly of India was charged with the task of framing a Constitution, this over-riding consideration was kept in view in determining the position of this State in the proposed Constitution. Earlier to this, it had been agreed between the two Government that "in view of the special problems arising in respect of this State and the fact that the Government of India have assured its people that they would themselves finally determine their political future", a special position should be accorded to Jammu and Kashmir in the future Constitution so that a limited field of the Union Powers over the State is ensured. Four representatives were nominated from the Jammu and Kashmir State to the Constituent Assembly of India. These representatives participated in the deliberations of the Constituent Assembly of India at a time when the bulk of the Indian Constitution had already been adopted. It was at this stage that the constitutional position of this State was determined in the Constitution of India. The representatives of the Jammu and Kashmir State reiterated their view that our association with India should be based on the terms of the Instrument of Accession. It was at this stage that the constitutional position of the State was determined in the Constitution of India. The representatives of the Jammu and Kashmir State reiterated their view that our association with India should be based on the terms of the Instrument of

Asscession. It was also made clear that while the accession of the Jammu and Kashmir State with India was complete in fact and law to the extent of the subject enumerated in this Instrument, the autonomy of the State with regard to all other subjects outside the ambit of the Instrument of accession should be preserved.

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Since a good deal of confused thinking and uninformed criticism is indulged in by some interested people, I would like to point out here that the Constitution has confined the scope and jurisdiction of the Union powers to the terms of the Instrument of accession with the proviso that they may be extended to such other matters also as the President may by order specify with the concurrence of the Jammu and Kashmir Constituent Assembly. The special problems facing the State were thus taken into account and under the Constitution the relationship approximated to that subsisting under the Instrument of accession.

The Constitution of the India Union, therefore, clearly envisaged the convening of a Constituent Assembly for the Jammu and Kashmir State which would be finally competent to determine the ultimate position of the State in respect of the sphere of its accession which would be incorporated as in the shape of permanent provisions of the Constitution.

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The Hon'ble Members are aware that as the leader of the National Conference party, I indicated in my inaugural address the scope of the decisions which I felt the Constituent Assembly would have to take. I listed the four main issues as pertaining to the main functions of the Assembly, viz., the future of the Ruling Dynasty, payment of compensation for the land transferred to cultivators under the Big Landed Estates Act, Ratification of the State's Accession to India as well as the framing of a Constitution for the State. While discussing these

issues in my address to this House, I had given clear indications of my party's view in regard to them. I had also an occasion to place my point of view on these issues before the representatives of the Government of India and I had the satisfaction that they approved of it.

When the Constituent Assembly commenced its labours, it had to tackle these issues in course of time. It took decisions in regard to payment of compensation to landlords and it came to the conclusions that no compensation was justified.

The Constituent Assembly has, it present under its consideration the future of the Ruling Dynasty. In this connection the Basic Principles Committee recommended that the institution of hereditary rulership in the State should be abolished and in future the office of the Head of State should be elective. While accepting the recommendations of the Basic Principles Committee this Assembly charged the Drafting Committee to place before this House appropriate proposals for the implementations of these recommendations.

As I said in the beginning of my statement, such a fundamental decision involved corresponding adjustments in the Indian Constitution and in order to finalise the position in respect of this issue and other matters pertinent to it, I and my colleagues had discussions with the representatives of the Government of India as a result of which we arrived at some tentative agreement, the details of which I wish to place before the House.

The Government of India held the view that the fact that the Jammu and Kashmir State was constituent unit of the Union of India led inevitably to certain consequences in regard to some important matters, namely :

- (a) Residuary Powers,
- (b) Citizenship,
- (c) Fundamental Rights,
- (d) Supreme Court of India,
- (e) National Flag,
- (f) The President of India,

- (g) The Headship of the State,
- (h) Financial Integration,
- (i) Emergency Provisions, and
- (j) Conduct of elections to House of Parliament.

Permit me, Mr. President now to deal with each one of these items and also the agreements arrived at between the Jammu and Kashmir Government and the Government of India in relation to them.

Residuary Powers

It was agreed that while under the present Indian Constitution, the Residuary Powers vested in the Centre in respect of all the States other than Jammu and Kashmir, in the case of our State, they rested in the State itself. This position is compatible with Article 370 of the Indian Constitution and the instrument of Accession on which this article is based. We have always held that the ultimate source of sovereignty resides in the people. It is, therefore, from the people that all powers can flow. Under these circumstances, it is upto the people of Kashmir through this Assembly to transfer more powers for mutual advantage to the custody of the Union Centre.

Citizenship

It was agreed that in accordance with Article 5 of the Indian Constitution persons who have their domicile in the Jammu and Kashmir State shall be the citizens of India. It was further agreed that the State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to acquisition of immovable property, appointments to services and like matters. Till then the existing State law would apply. It was also agreed that special provision should be made in the laws governing citizenship to provide for the return of those permanent residents of Jammu and Kashmir State, who went to Pakistan in connection with the disturbances of 1947 or in fear of them as well as of those who had left for Pakistan earlier but could not return. If they returned, they should be entitled to the

rights, and privileges and obligations of citizenship.

There are historic reasons which necessitate such constitutional safeguards as for centuries past, the people of the State have been victims of exploitation at the hands of their well-to-do neighbours. The Hon'ble Members are perhaps aware that in the late twenties, the people of Jammu and Kashmir agitated for the protection of their bonafide rights against the superior competing interests of the non-residents of the State. It was in response to this popular demand that the Government of the day promulgated a Notification in 1927 by which a strict definition of the term "State Subject" was provided. I am glad to say that the Government of India appreciated the need for such a safeguard. No definition of the special rights and privileges of the residents of the State can afford to remain static. The need may arise at one stage or the other to liberalise such a definition. The importance of the fact that State Legislature shall retain powers to be able to effect such modifications becomes obvious in this context.

There is yet another class of State Subject whose interests had to be safeguarded. The Hon'ble Members of this House are aware that on account of the disturbances of 1947 and also as a consequence of the invasion of this country by Pakistan large number of the residents of this State suffered dislocation. We have, therefore, to visualize the possibility of their return to their homes and hearths as soon as normal conditions are restored. It has been suggested in certain quarters of the State who are at present stranded in Pakistan I would like to make it clear, as I have stated earlier, that this protection will operate only when the conditions are normal and such conditions naturally presume that the resettlement of the dislocated population, whether Muslim or Non-Muslim, cannot be one-sided or unilateral.

Fundamental Rights

It is obvious that whole our constitution is being framed, the fundamental rights and duties of a citizen have necessarily got to be defined. It was agreed, however, that the Fundamental Rights which are contained in the Constitution of India could

not be conferred on the residents of the Jammu and Kashmir State in their entirety taking into account the economic, social and political character of our movement as enunciated in the New Kashmir Plan. The need for providing suitable modifications, amendments and exceptions as the case may be in the Fundamental Rights Chapter of the Indian Constitution in order to harmonize those provisions with the pattern of our principles was admitted. Particular care would have to be taken to preserve the basic character of the decisions taken by this House on the question of land compensation as well as the laws relating to the transfer of land to the tiller and other matters. The main point to be determined is whether the Chapter of our Fundamental Rights should form a part of the Kashmir Constitution or that of the Union Constitution.

Supreme Court

It was agreed that the Supreme Court should have original jurisdiction in respect of disputes mentioned in Article 131 of the Constitution of India. It was further agreed that the Supreme Court should have jurisdiction in regard to Fundamental Rights which are agreed to by the State.

On behalf of the Government of India, it is recommended that the Advisory Board in the State, designated "His Highness's Board of Judicial Advisors" should be abolished and the jurisdiction exercised by it should be vested in the Supreme Court of India. That is to say that the Supreme Court should be the final Court of appeal in all civil and criminal matters as laid down in the Constitution of India.

We, however, felt that this would need a detailed examination and consequently it was agreed that we should have time to consider it further.

National Flag

We agreed that in view of the clarification issued by me in my public statements while interpreting the resolution of this House according to which the old State flag was in no sense a rival of the National Flag. But for historical and other reasons connected with the freedom struggle in the State, the need for the continuance of this flag was recognized. The Union flag

to which we continue our allegiance as a part of the Union will occupy the supremely distinctive place in the State.

President of India

It was agreed that the powers to grant reprieve and commute death sentences, etc should also belong to the President of the Union.

Headship Of the State

I am glad to inform this House that the Government of India have appreciated the principle proposed by the Basic Principle Committee as adopted by this Assembly in regard to the abolition of the hereditary rulership of the State. In order to accommodate this principle, the following arrangement was mutually agreed upon :

- i. The Head of the State shall be the person recognized by the President of the Union on the recommendation of the Legislature of the State.
- ii. He shall hold office during the pleasure of the President.
- iii. He may, by writing under his hand addressed to the President resign his office.
- iv. Subject to the foregoing provisions the Head of the State shall hold office for a term of five years from the date he enters upon his office.
- v. Provided that he shall, notwithstanding the expiration of his term, continue to hold the office until his successor enters upon his office.

Financial Integration

In regard to this subject, we agreed that it would be necessary to evolve some sort of financial arrangement between the State and the Indian Union. But as this involved far reaching consequences, it was felt that a detailed and objective-examination of this subject would be necessary.

Emergency Powers

On behalf of the Government of India, it was stated that the application of Article 352 of the Constitution was necessary

as it related to vital matters affecting the security of the State. They did not press for the application of Articles 356 or 360.

On behalf of the Kashmir Delegation, it was stated that the application of Article 352 to the State was not necessary. In the event of war or external aggression, item I in the Seventh Schedule relating to the defence of India applied and the Government of India would have full authority to take any steps in connection with defence, etc. In particular, we were averse to internal disturbance being referred to in this connections even some petty internal disorder might be considered sufficient for the application of Article 352.

In reply it was pointed out that Article 352 could only be applied in a state of grave emergency and not because of some small disorder or disturbance.

In order to meet our view point, it was suggested on behalf of the Government of India that Article 352 might be accepted as it is with the addition at the end of the first paragraph (1) of the following words : "but in regard to internal disturbance at the request or with the concurrence of the Government of the State.

We generally accepted this position but wanted some time to consider the implications and consequences as laid down in Articles 353, 358 and 359 which on the whole we accepted. In regard to Article 354, we wanted to examine it further before expressing our opinion.

Conduct of Elections to Houses of Parliament

Article 324 of the Indian Constitution already applies to State in so far as it relates to elections to Parliament and to the Offices of the President and the vice-President of India.

I have put before this House the broad indications of the agreements arrived at between us and the Government of India. As the Hon'ble Members will, no doubt, observe, the attitude of the Government of India has been most helpful. A satisfactory position has emerged and we are now able to assess the basic issues of our constitutional relationship with India in clearer terms. There has been a good deal of

accommodation of our respective points of view. Both the representatives of the Government of India and the Kashmir Delegation, have been impelled by the desire to strengthen further the existing relationship to remove all obscurity and vagueness. We are convinced, as ever before, that we have the full support both of the Government and the people of India in the fulfilment of our democratic ideals and the realization of our objectives.

Joint Memorandum submitted by Cabinet Members of the Sheikh Abdullah Ministry to the Sadar-i-Riyasat, 8th August, 1953

You will kindly recall that in the course of the meeting of the Cabinet held on August 7, 1953, and on many other occasions previously, indicating a very sharp divergence of opinion had become manifest in our approach to the broad policies which form the basis of the Government and the administration. Contrary to the normal practice of a uniform policy in the conduct of the administration, it has become increasingly clear that Mr. Beg and you, in utter disregard of the opinion of your colleagues and without their consultation, make public pronouncements which flout the principle of joint responsibility. Since the formation of the present Government, in spite of the constant endeavour of your colleagues to secure maximum agreement and unity in the formation and execution of essential policies in accordance with the mandate given by the people, you have frequently adopted certain arbitrary measures complete denial of the right of expression of opinion of even your own colleagues in the handling both of external and internal affairs of the State.

Most of these measures and policies have been self-contradictory and inconsistent, leading to serious complications. After the establishment of the Legislative Assembly, we have expected that our joint responsibility and collective functioning as a Cabinet would be governed by well-established parliamentary practices. But we regret to observe that you have not only disregarded the wishes of your colleagues in the Cabinet, but have acted in the Legislative

Assembly also in a manner which denied the right of freely expressing their opinions to the representatives of the people in regard to the basic policies pursued by the Government. In the past, even though occasions have arisen when we seriously opposed certain measures which affected the efficient and smooth functioning of the administration we refrained from bringing matter to a head by making concession to your views in the interests of securing harmony and concord in the working of the Government. Unfortunately, however, this spirit of accommodation has been misconstrued by you and you have consequently adopted an attitude which is far from democratic and indicates a tendency towards making arbitrary use of power in position. Your attitude which regard to the political and economic policies of the Government has given rise to a great deal of confusion in the public mind and serious dislocation in economic life of large sections of the people. For quite some time, now, a factional tendency has been evident in the Cabinet, which has been responsible for a progressive deterioration in the administration. Consequently, various ameliorative measures proposed by the members of the Cabinet in good faith have not been implemented honestly. Above all, there has been a singular failure to exercise vigilance and proper supervision in the day to day functioning of the administration which has produced corruption, nepotism, inefficiency and wanton wastage of public resources in most sphere of Government activity. All these facts of omission and commission have inevitably created large-scale discontent in various part of the State.

All along the Government has lacked a sense of uniformity and direction in its plans and programme. Time and again, we have brought to your notice the imperative need of arresting this process of deterioration in the administration. We attempted to represent the feelings of various sections of the people and urgent necessity of undertaking immediate measures for the amelioration of these conditions. But we regret to say that you not only disregarded all our opinions in this respect but have been ignored the recommendations of the Wazir Committee, which had been set up by the Government to

require into a number of grievances of the people.

Consequently, the political uncertainty has been accentuated with the result that our economy has been thrown into stagnation, which has impoverished large masses of people, when the tourist traffic showed healthy improvement last year and this year, you destroyed public confidence through your irresponsible utterances.

The events of the last few months have, in particular, thrown the State in the midst of a severe crisis. The repercussions of this crisis are bound to be serious and far-reaching. We regret to state that you, as the head of the Government, have not only failed to take note of the situation but have by your words and deeds, accentuated the tension. You have consistently refused to acknowledge responsibilities that devolve on you as the Prime Minister of the State by not following the declared policies that form the basis of the Government. You have tended to act in a manner that has generated uncertainty, suspense and doubt in the minds of the people of the State in general and of those in Jammu and Ladakh in particular. All these factors have combined to strengthen the disruptionist forces seeking the disintegration of the State.

As is well known, the unprovoked aggression from Pakistan had put our very national existence at stake. In that critical hour of crisis, all of us jointly approached India for help and requested her to accept the accession of the State and assist us in repelling the aggression and restoring peaceful conditions in the State. The united will of the people stood solidly behind this act of Kashmir's accession to India. While accepting our request, the Government of India assured us of the right of self-determination for our people. After the convening of the Constituent Assembly certain inescapable elaborations of the State's relationship with India were defined in the Delhi Agreement, of which you were the Chief Architect on our behalf. Your stand was unanimously endorsed by the Government, the National Conference, the Indian Parliament and the Constituent Assembly of the State. But you have not

only deliberately delayed implementation of the agreements on these matters which form the sheet-anchor of our policy, but have purposefully and openly denounced these in public. You have thus arbitrarily sought to precipitate a rupture in the relationship of the State with India. Though it is true that the people of the State have the ultimate right to decide their future, the conditions of chaos and confusion which are being engineered today by you bound to be fatal for the exercise of the right of self-determination by our people. Under these circumstances what seems inevitable is that interested foreign powers may well take advantage of and exploit the situation for their own selfish purpose. Mr. M. A. Beg has persistently been following policies of narrow sectarianism, and communalism, which have seriously undermined the oneness of the State. Unfortunately, you have been lending your support to his policies in the Cabinet and his activities in public. This has generated bitter feelings of suspicion and doubt in the minds of the people of various constituent units of the States. You have connived at all these unfortunate happenings and thus strengthened and encouraged the forces of disruption. The result is that unity and the secular character, the two fundamental aspects of our State, stand threatened today.

We have been constantly urging upon you to put an end to these unhealthy tendencies and to undertake unitedly-measures for restoring the moral of the people. In spite of our best intentions, we have failed in our efforts.

It is, therefore, with great pain that we have to inform you of our conclusion that the Cabinet, constituted as it is at present and lacking as it does the unity of purpose and action, has lost the confidence of the people in its ability to give them a clean, efficient and healthy administration.

Sadar-i-Riyasat's letter to Sheikh Abdullah

Karan Mahal,
Srinagar,
August 8, 1953

My dear Sheikh Abdullah,

You will recall that in the course of our meeting today, I

conveyed to you my deep concern at the serious differences which exist in your Cabinet. I impressed upon you the immediate necessity for restoring harmony and unity of purpose among the members of the Cabinet in the execution of its policies. You were, however, unable to assure me that these acute differences could be remedied.

This conflict within the Cabinet has for a considerable time been causing great confusion and apprehension in the minds of the people of the State. The situation has reached an unprecedented crisis with the effect that three or our four Cabinet colleagues have, in a memorandum to you, a copy of which they have sent to me, expressed their complete dissatisfaction with your action and policies, which have lost the present Cabinet the confidence of the people. This document clearly indicates that the divergence within your Cabinet has reached proportions in which the unity prosperity and stability of the State are gravely jeopardised.

When we met today, I further suggested to you that an emergency meeting of the Cabinet should be held at my residence this evening so that we could jointly explore the possibilities of securing a stable, unified and efficient Government for the country. But to my regret you evaded the issue.

Under these conditions, I, as Head of the State, have been forced to the conclusion that the present Cabinet cannot continue in Office any longer and hence, I regret to inform you that I have dissolved the Council of Ministers headed by you. A copy of my order in this connection is attached herewith.

I need hardly add how deeply distressed I was at having to take this action, but the vital interests of the people of the State, which it is my duty to safeguard, leave me no alternative. I trust that this will in no way affect the mutual regard and cordial feelings we have for each other.

Your sincerely,
(Sd/-) Karan Singh
Sadar-i-Riyasat

Order Issued by the Sadar-i-Riyasat on August 8, 1953

Whereas for some months I have been noticing with growing concern that there have existed acute differences of opinion between members of the Government on basic issues-political economic and administrative affecting vital interests of the State;

And whereas members of the Government have been publicly expressing sharply conflicting points of view regarding these matters;

And whereas on these fundamental issues the view of a majority of the members the Cabinet are sharply opposed to the view held by the Prime Minister and one of his colleagues;

And whereas efforts to work in harmony and pull together as a team having failed, and the majority in the Cabinet has expressed that, lacking as it does in unity of purpose and action, the present Cabinet has lost the confidence of the people;

And whereas the economic distress of the people has considerably increased which needs prompt and serious attention;

And whereas a state has reached in which the very process of honest and efficient administration has become impracticable;

And whereas finally, the functioning of the present Cabinet on the basis of joint responsibility has become impossible and the resultant conflicts have gravely jeopardised the unity, prosperity and stability of the State;

I, Karan Singh Sadar-i-Riyasat, functioning in the interests of the people of the State, who have reposed the responsibility and authority of the Headship of the State in me, do hereby dismiss Sheikh Mohammad Abdullah from the Prime Ministership of the State of Jammu and Kashmir and consequently the Council of Ministers headed by him is dissolved forthwith.

Sadar-i-Riyasat's letter to Bakshi Ghulam Mohammad

Karan Mahal,
Srinagar,
August 9, 1953.

My dear Bakshi Sahib,

I have just dissolved the Cabinet which functioned till today and have relieved it of the powers and functions of civil administration of the State. I, however, feel that a new Cabinet should be constituted immediately so as to avoid a political and administrative vacuum.

In the task of forming a new Ministry, I have decided to seek your aid and advice. Will you, therefore, make it convenient to meet me immediately so that we might discuss the formation and composition of the new Cabinet.

I need hardly add that the continuance in office of the new Cabinet will depend upon its securing a vote of confidence from the Legislative Assembly during its coming session.

Your sincerely,
Yd/-) Karan Singh.

Bakshi Ghulam Mohammad's reply to Sadar-i-Riyasat's letter

Srinagar
August, 9, 1953

My dear Sadar-i-Riyasat,

I am highly grateful to you for the trust you have reposed in me by calling me to offer you my aid and advice in the task of constituting a new Cabinet.

In accepting your kind invitation, I am solely guided by a sense of duty to my country, and its people and I shall try to the best of my ability to fulfil the responsibility which you propose to entrust to me.

I shall be available for consultation at your convenience.

Your sincerely,
G. M. Bakshi

Report of the Basic Principle Committee, 1954

The basic principles of the State Constitution will contain provisions relating to the form of the State, the Executive, the Legislature, the Judiciary, the Public Service Commission, the Official Language and other ancillary matters. The recommendations of the Committee in regard to these matters are contained below :

The State of Jammu and Kashmir will comprise such territories which formed part of the State on 15th August, 1947. While retaining its autonomous character the State will continue to remain acceded with the Union of India.

The sovereignty of the State resides in the people thereof and shall except in regard to matters specifically entrusted to the Union, be exercised on their behalf by the various organs of the State.

The governing features of the State Constitution would be based on democracy, equality and social and economic justice. The guiding principle of the State policy would be to ensure the rebuilding of the State by harnessing all its resources for the purpose of securing a better and prosperous life for its people. In order to achieve that end the entire economic activity of the State will be conducted in accordance with plan envisaged in New Kashmir.

In order to satisfy the urge of the people of the State for an intimate association with administration at all levels the Constitution shall embody suitable provisions to that effect. Suitable provision shall also be made enabling the people to develop their various cultures, languages and scripts and to promote closer association and better understanding amongst themselves.

Based on the decision of the Constituent Assembly for the termination of the Hereditary Rulership in the State, the Head of the State will be person designated as the *Sadar-i-Riyasat* whose election and other terms of office will be regulated in accordance with the resolution of the constituent Assembly dated 21st August, 1952.

The superintendence, direction and control of the Government vest in a council of Ministers headed by the Prime Minister who will be appointed by the Sadar-i-Riyasat. The Prime Minister will be the person who enjoys the confidence of the State. Legislative Assembly. The Council of Ministers will be collectively responsible to the State Legislative Assembly.

The State Legislative Assembly will be composed of members chosen by direct election who will represent constituencies determined by law. The determination of constituencies will be on population basis and on the scale of one member for every 40,000 of the population. Election to the State Legislative Assembly shall be on the basis of adult suffrage, that is to say, every male or female who has attained the age of 18 years and is not otherwise disqualified under the constitution or any Law made by the State Legislative Assembly on grounds of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall have the right to vote. The State Legislative Assembly will have powers to make laws for the State, in respect of all matters falling within the sphere of its residuary sovereignty. Its life will be five years. Provision for the rights, powers and privileges of the members and the Committee of the Assembly should be made on the lines of the corresponding provisions of the Constitution of India. The superintendence, direction and control of all elections to the State Legislative Assembly including the appointment of Election Tribunals will vest in a Commission to be appointed by the Sadar-i-Riyasat. Provision will also have to be made for a fixed period to promote with special care the interests of the weaker sections of the people by ensuring their representation in the Assembly.

The Judiciary of the State will be independent of executive. The High Court of Judicature shall consist of the Chief Justice and two or more other judges as the Sadar-i-Riyasat may from time to time appoint. In order to ensure the independent and impartial character of the High Court, a judge of the High Court will not be removed from his office except by an order of Sadar-i-Riyasat passed after an address by the National Assembly supported by a majority of the total membership of the

National Assembly and by a majority of the total membership of the National Assembly and by a majority not less than two thirds of the members of the House present and voting, has been presented to the Sadar-i-Riyasat in the same session for such removal, on the ground of proved misbehavior or incapacity. Provisions will also have to be made for the terms and conditions of service of High Court Judges commensurate with the independence and dignity of the High Court.

The High Court will be a Court of Record and shall have all the powers of such Court including the power to punish for contempt of itself. The High Court shall have the same powers and jurisdiction as are exercised by it at present under the Constitution or any other law in force in the State. Provisions in this respect will be modelled on the those contained in the existing Constitution of the State and the relevant parts of the Constitution of India. Adequate provisions shall also be made in the Constitution for ensuring independence and integrity of the subordinate Courts.

An appeal shall lie to the Supreme Court of India from a judgement, decree or final order of the High Court in Civil value of the subject matter of the dispute in the Court of first instance and still in dispute on appeal was and is not less than 20,000 rupees or that the case is a fit one for appeal to the Supreme Court. Similarly an appeal shall lie to the Supreme Court of India in criminal matters of the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or has withdrawn for trial before itself any case from any subordinate court and has in such trial convicted the accused person and sentenced him to death and lastly if the High Court certifies that the case is a fit one for appeal to the Supreme Court. An appeal shall also lie to the Supreme Court of India in certain civil, criminal or other proceeding if the High Court certifies that the case involves a substantial question of law as to the interpretation of the provisions of the Constitution of India which apply to the State under Article 370 of the Constitution. The original jurisdiction of the Supreme Court will extend to disputes between the Centre and State or States interest as specified as specified in

Article 131 of the Constitution of India.

Provision with regard to the establishment of a public Service Commission should be made in the Constitution. The appointment of its Chairman and members will be made by the Sadar-i-Riyasat. It will function independent of executive. Its Chairman and other members will be removable from office in the manner provided for the removal of a High Court Judge.

The official Language of the State will be Urdu, but English language may be used for all official purposes for which it is being used at present. The Constitution should also recognise the regional languages of the various cultural units of the State.

Further provisions relating to the transitional and ancillary matters should be incorporated in the Constitution. Necessary provisions should also be incorporated in the Constitution ensuring that an amendment of the Constitution shall be made only by two thirds majority of the total membership of the Assembly.

The State of Jammu and Kashmir having acceded to the Union of India, it becomes necessary to define the relationship of the State with Centre. This relationship was originally based on the Instrument of Accession whereby the State of Jammu and Kashmir acceded to the Union of India in matters of Defence, Foreign Affairs and Communication. When the dominion of India became a republic the relationship of the State with the Union was embodied in Article 370 of the Union Constitution. The State's accession to the Union entails certain responsibilities on the Centre for protecting the interests of the State and also for its social and economic development. In order to enable the Centre to discharge its responsibilities which devolve upon it under the Constitution, those provisions of the Constitution of India which may be necessary for this purpose should be made applicable to the State in an appropriate manner. While preserving the internal autonomy of the State all the obligations which flow from the fact of accession and also its elaborations as contained in the Delhi Agreement

should find an appropriate place in the Constitution. The Committee is of the opinion that it is high time that finality in this respect should be reached and the relationship of the State with the Union should be expressed in clear and precise terms. The Committee accordingly recommends :

- (i) that a directive be issued to the Drafting Committee to bring up appropriate proposals defining the sphere of Union Jurisdiction in the State suggesting additions, modifications and amendments wherever necessary in the Constitution (Applicaton to Jammu and Kashmir) Order, 1950 to suit requirements of the State.
- (ii) that the Drafting Committee should forthwith take up the drafting of the Constitution for thr State in the light of the recommendations contained in this report and such other reports as have been or are adopted by this Assembly from time to time.

Report relating to Citizenship and Fundamental Rights, 1954

The Advisory Committee on Fundamental Rights and Citizenship was set up by the resolution of the Constituent Assembly dated 7th November, 1951, in order to make recommendations as regards qualifications required for Citizenship and the determination of Fundamental Rights of the residents of the State. The Committee was reconstituted by the Constituent Assembly by its resolution dated the 20th October, 1953.

The State having acceded to the Union of India, every State Subject and every person having his domicile in the State is a Citisen of India under the provisions of the Constitution of India. It is, however, recognized by the Government of India that this position would not affect the existing State subject definition. While the Committee adheres to principle underlying this definition, it feels that the definition should be liberalized in keeping with the changed times. The Committee therefore recommends that all the three classes of State Subject provided in the definition be removed and a uniform class of permanent residents be established. Accordingly every person

residing in the State who is a State Subject of Class I or Class II or after having acquired immovable property in the State has been ordinarily residing there for a period of not less than ten years prior to the date of enforcement of this provision shall be a permanent resident of the State.

The powers of the State Legislature to define 'Permanent Resident of the State' in future in any manner it deems fit and to regulate the special rights and privileges of the Permanent Residents of the State should be preserved. A majority of not less than two-thirds of the total memberships of the House shall be necessary for the exercise of this power. The Committee is of the opinion that while adequate provisions to that effect should be incorporated at an appropriate place in the Constitution of India, the provisions of Part II of the Constitution of India relating to Citizenship should also be made applicable to the State and care should be taken to protect the special position accorded to the State Subjects to be now known as "Permanent Residents of the State" and their special rights and privileges. Necessary modification shall also have to be provided in that Part to enable those Subjects of the State who had migrated to Pakistan in 1947 in connection with the disturbance or in fear of the same, to return to the State under a permit for resettlement or permanent return issued under the authority of law that would be made by the State Legislature in due course.

The Committee is of the view that the State Legislature should also be competent to make provisions with respect to acquisition and termination of the State of Permanent Residents of the State and until the State Legislature enacts provision to that behalf, the existing Ijazatnama Rules should continue to remain in force and the existing procedure for obtaining a State Subject Certificate should apply for the purpose of securing a certificate as to the status of a Permanent Resident.

Fundamental Rights

An examination of the Fundamental Rights embodied in the Constitutions of some of the more important countries of the world would reveal that while there are certain rights which require protection by the State and which can be granted

only so far as such action is practicable, there are other which require that the State shall abstain from prejudicial action. It is obvious that the rights of the first type are not normally either capable of or suitable for enforcement by legal action while those of the second type may be so enforced. Both classes of rights are mentioned together under the head "Fundamental Rights" in certain Constitutions but in certain others distinction between two forms of rights is clearly recognized. A similar distinction is recognized in Dr. Lauterpacht's International Bill of Rights of Man 1945." The Committee having carefully considered that matter is of the view that it would be useful to separate the two classes of rights firstly those rights which shall be enforceable in a Court of Law and secondly those which shall be guaranteed by enjoining upon the State to take specified and planned action in the field of special and economic reconstruction of the State. This set of rights shall retain fundamental position in the governance of the State.

The question of evolving Fundamental Rights has been considered and discussed at length by the Committee. It has been recognized by the Government of India that the Fundamental Rights as contained in part III of the Constitution of India, should not come in the way of Land Reforms already introduced by the State or the reforms that might be undertaken by the State in future. This was particularly necessary in view of the fact that the State has not provided for any compensation for the land expropriated under its Land Reforms. The Government of India has also recognised that the special rights and privileges enjoyed by the Permanent Residents of the State relating to acquisition and holding of immovable property and in respect of employment under the State shall be fully safeguarded.

The Committee having taken note of the Fundamental Rights provided in various constitutions including the Constitution of India recommends the following rights for adoption by the State.

1. Equality of rights of all citizens, irrespective of religion, race, caste, sex, place of birth of any of them, in

allspheres-economic, political cultural and social should be guaranteed; that is to say, every citizen should have the right to Equality before law and there should be no discrimination against any citizen on grounds only of religion, race, caste or sex, place of birth, and no citizen should be subject to any disability, liability, restriction or condition with regard to :

- (a) access of shops, public restaurants, hotels and places of public entertainment; or
 - (b) the use of wells, tanks, bathing, Ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
2. The Committee strongly feels that women must attain their just and rightful place in society and their cooperation in the mighty and responsible task of nationbuilding must be secured. Similarly all children born in the State should be ensured equality of opportunity irrespective of accidents of birth and percentage. In order to achieve that end the State should be able to make any special provision it deems fit for women and children.
 3. Untouchability is abolished and its practice in any form shall be forbidden.
 4. In conformity with the interests of the people, all citizens shall have right to Freedom of speech and expression, to assemble peaceably and without arms, to form associations or unions, to move freely throughout the territory of the State to acquire, hold and dispose of property subject to the laws of the State and to practice any profession or to carry on any occupation, trade or business.

The State should, however, have powers to impose such restrictions as are considered reasonably by the State Legislature on the exercise of these rights in the interests of general public security of the State, public order, communal harmony, decency or morality in

relation to contempt of court, defamation, or incitement to an offence, or for the protection of the special rights and privileges of the Permanent Residents of the State.

5. Protection in respect of conviction for offences and of life and personal liberty shall also be afforded. The provisions and procedure pertaining to preventive detention should follow on the lines of the corresponding provisions in the Fundamental Rights of India.
6. All citizens shall have right against exploitation i.e. traffic in human beings and forced labour, employment of children in factories etc. shall be prohibited.
7. Freedom of religion shall be guaranteed i.e. all citizens shall have the freedom of conscience and shall be free to profess, practise, and propagate any religion and to manage their respective religious affairs.
8. Cultural and educational rights should also be guaranteed by the Constitution. The interests of the minorities should be protected and any section of citizens having a distinct language, script or culture should have the right to conserve the same.
9. Right to property shall be guaranteed, and no person shall be deprived of this property save by authority of Law. This should not, however, in any way effect the existing laws relating to land reforms nor should it prevent the State Legislature to make any further land reforms. Accordingly no law, made by the State Legislature, providing for the acquisition by the State of any land or of any rights therein or for the extinguishment or modification of any such rights shall be deemed to be void on the ground that it is inconsistent with or takes away or abridges any of the aforesaid rights. The existing definition of land shall be preserved.
10. Similarly all these Fundamental Rights should be subject to the over-riding condition that :
 - (i) no law of the State relating to State Subject to be

- hereafter called 'Permanent Residents' and regulating their rights and privileges; and
- (ii) no law hereafter to be made by the State Legislature defining the Permanent Residents, and conferring on them special rights and privileges in relation to acquisition and holding of property in the State or in matter of employment under the State and imposing restrictions on citizens other than Permanent Residents for settling within the State should become void on the ground that it is inconsistent with or takes away or abridges any of the rights conferred by Part (III) of Constitution of India.
11. The Committee feels that a declaration of fundamental Rights would be more effective if suitable judicial remedies for the enforcement of these rights are provided and therefore it is proposed that the citizens shall have the right to Constitutional Remedies. In order to ensure the fullest protection in regard to enjoyment of these rights the citizens shall be allowed to seek redress from the highest court i.e. the Supreme Court of India. In order to avoid any possibility of conflict of the Fundamental Rights proposed above and those contained in Part (iii) of the Constitution of India, the Committee feels that the former rights in so far as they vary in certain respects the provisions of the Fundamental Rights of the Union should be reflected in part (iii) of the Constitution of India. The Government of India has already agreed to provide appropriate modifications or exceptions in Part (III) of the Constitution of India to suit the requirements of the State.

As indicated above there should be separate set of Principles which would be fundamental in the governance of the State and shall be intended for the guidance of the State. The Committee recognises that in a democratic State every person must be provided with equal opportunities and adequate minimum of a

civilised standard of life. To realise that ideal, however, the State must take resort to economic planning with a view to achieve all sides advance on a country wide scale. Similar other rights for instance, the right to rest, the right to material security etc. can be ensured only when a stage of industrial development and economic prosperity, as envisaged in 'New Kashmir', is achieved. The Committee therefore proposes that the principles and policies set forth below should serve as guidance for the State leading the people towards that end.

1. The State shall within the limits of its economic capacity and development make effective provision for securing the right to work that is, the right to receive guaranteed work with payment for their labour in accordance with its quality and quantity subject to a basic minimum and maximum wage established by law
- II. The State shall endeavour to secure, by suitable legislation, economic organisation and in other ways, to all workers, industrial or otherwise, better conditions of work ensuring a decent standard of life, full enjoyment of leisure and cultural opportunities.
- III. The State shall make provision for securing just and humane conditions of work and for maternity relief for workers.
- IV. All permanent residents of the State shall have the right to material security in old age as well as in the event of sickness and loss of capacity to work.

The right shall be ensured by the wide development of social insurance of workers and employees at the expense of the State, free medical aid for workers and the provision of a wide network of health resorts for the use of working men and women.

The State shall, in particular, direct its policy towards securing:

- (i) that the Permanent Residents of the State men and women equally, have the right to an adequate means of livelihood;

- (ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (iii) that the operation of free competition shall not be allowed to result in the concentration of the ownership and control of essential commodities in few individuals to the common detriment;
- (iv) that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter vocations unsuited to their age and strength; and
- (v) that childhood and youth are protected against moral and material abandonment;
- (vi) every Permanent Resident shall be entitled to free education and it shall be the duty of the State to provide free education which shall be compulsory for all children up to the primary standard.
- (vii) the State shall promote with special care the educational and economic interests of the socially and educationally backward sections of the people and shall protect them from social injustice and all forms of exploitations.
- (viii) the State shall foster and encourage the growth and development of State and regional languages, especially those which are more backward by every possible means including the following :
 - (i) the establishment of a State Languages Academy where scholars and grammarians shall work to develop these languages by :
 - (a) perfecting and providing their scripts;
 - (b) enriching them through foreign translations;
 - (c) studying their history;
 - (d) compiling dictionaries and text books;
 - (ii) founding of State scholarships for the study of these language;

- (iii) fostering of local press and publications in local languages; and
- (ix) It shall be the obligation of the State to protect every monument or place or objects of artistic or historic interest declared by in the Law of the State to be national important from spoilation, destruction, removal, disposal or export as the case may be and to preserve and maintain according to the law of the State all such monuments or places or objects.
- (i) the Drafting Committee, set up by this House be directed to propose appropriate modification or exceptions in Part II and Part III of the Constitution of India in their application to the State of Jammu and Kashmir in the light of the recommendations contained in this report; and
- (ii) that the Drafting Committee should, while preparing the Draft Constitution of the State incorporate therein the rights and principles indicated above.

Report of the Drafting Committee

In pursuance of the directives contained in the Reports of the Basic Principles Committee and the Advisory Committee on Fundamental Rights and Citizenship, as adopted by the House on 26th February, 1954, the Drafting Committee has considered the question as to how best to give effect to the recommendations embodied in these Reports. The task which the Committee has to discharge requires action in the following directions :

1. Preparation of the Draft Constitution of the State.
2. Defining the sphere of Union Jurisdiction in the State and for that purpose suggesting the various provisions of the Constitution of India along with modifications and exceptions subject to which these provisions should apply to the State. These would include appropriate modifications and exceptions in

Part II (Citizenship) and Part III (Fundamental Rights) in their application to the State of Jammu and Kashmir in the light of the recommendations contained in the report of the Advisory Committee on Citizenship and Fundamental Rights.

3. Consequential amendments in the Jammu and Kashmir Constitution Act, 1996.

As for the preparation of the Draft Constitution for the State the Committee feels that in view of the importance and magnitude of the work involved, adequate time will be needed for the completion of this task and accordingly recommends that the same may be allowed.

The Annexure to this Report while reflecting the desire of the House for the ratification of the accession of the State with the Union of India indicates in detail the provisions of the Constitution of India which generally correspond to Defence, Foreign Affairs and Communications and such other matters as are considered essential concomitants of the fact of accession. In accordance with the directions contained in the two reports, referred to above, the Committee has endeavoured to clearly demarcate the sphere of Union Jurisdiction keeping intact all along the residual powers of the State. While doing so the Committee has further provided adequate respect of the land-reforms and the interests of the permanent residents of the State.

A bill for the purpose of making consequential amendments in the Jammu and Kashmir Constitution Act, 1996, in the light of the Reports referred to in the opening paragraph of this Reports will be drafted and presented to the House in due course.

Dated : Jammu the 11th
February, 1954.

(Sd.) G.L. Dogra
" Mir Qasim
" D. P. Dhar
" Ghulam Rasul Renzu
" Harbans Singh Azad
Members Drafting Committee.

The Jammu and Kashmir Constitution (Amendment) Act, 2011

(Extract)

1. Short Title and Commencement...(1) This Act may be called the Jammu and Kashmir Constitution (Amendment) Act, 2011.

2. Except as hereinafter provided, the provisions of this Act shall be deemed to have come into force from 14th May, 1954.

3. Insertion of new part after section 5After section 5 of the Jammu and Kashmir Constitution Act, 1996 (hereinafter referred to as, 'the said Act') the following new part shall be inserted namely :

Part I (A)

PERMANENT RESIDENTS

5-A, Every person who is or is deemed to be a citizen of India under the provisions of Part II of the Constitution of India as applied to the State of Jammu and Kashmir under the Constitution (Application to Jammu and Kashmir) Order 1954, shall be a permanent resident of the State of Jammu and Kashmir if at the date of commencement of the Jammu and Kashmir Constitution (Amendment) Act 2011, namely the 14th May 1954;

- (a) he was a State Subject of Class II as defined in the State Subject Notification No. I-L/84 dated 20th April, 1927 read with Notification No. 13/L dated 27th June, 1932, or
- (b) after having acquired immovable property in the Jammu and Kashmir State in pursuance of an Ijzatnama granted under the Ijzatnama Rules for the time being in force, he has been ordinarily resident in the territory of the State for not less than ten years prior to the date of such commencement.

Explanation

All persons who before the commencement of the the

Constitution (Application to Jammu and Kashmir) Order, 1954 were State Subject of Class I or Class II as defined in the State Subject Notification No, I-L/ dated 20th April, 1927, read with Notification No. 13/L dated 27th June, 1932, and who having migrated after the first day of March, 1947, to the territory now included in Pakistan return to the State under a permit for settlement in the State or permanent return issued by or under the authority of any law made by the State Legislature shall continue to be deemed permanent residents of the State.

Status of permanent residentship of certain juristic persons...

5-B. Notwithstanding anything contained in the foregoing provisions of this Act every Company, which, immediately before the commencement of the Constitution (Application to Jammu and Kashmir) Order, was recognised to be a State Subject within the meaning of State Subject Notification No. I-L/84 dated 20th April, 1927 shall be deemed to be a permanent resident at such commencement.

Explanation

In this section "Company" shall have meaning assigned to it in the Jammu and Kashmir Companies Act, 1927.

Continuance of the State of permanent residentship... 5-C Every person who is or who is deemed to be a permanent resident of the State of Jammu and Kashmir shall be subject to the provisions of any law that may be made by the State Legislature, continue to be such permanent resident. State Legislature to define and regulate the rights of permanent residents by 2/3rds majority... 5-D. The power of the State Legislature to define the term permanent resident of the State and to regulate their special rights and privileges shall be exercisable only by a majority of not less than two thirds of the total membership of the Legislative Assembly.

State Legislature to make Laws respecting the acquisition of the status of permanent resident... 5-E. Nothing contained in the foregoing provisions shall derogate from the power of the State Legislature to make such laws as it thinks fit with respect to the acquisition of the status of the permanent residents and until the State Legislature enacts provisions in that behalf the

existing Ijazatnama Rules shall continue to remain in force and the existing procedure for obtaining a State Subject Certificate shall be followed for the purpose of securing the certificate of being a permanent resident of the State.

Reference to the term State Subject 5-F. Unless the context otherwise requires all references in the existing laws of the State to the expression 'State Subject' shall be construed as reference to the "permanent resident of the State."

3. Amendment of section 23 Act XIV of 1996 In section 23 of the said Act for the words 'State Subject' the words "permanent residents of the State" shall be substituted.

4. Amendment of section 29, Act XIV 1996 Section 29 of the said Act shall be numbered as sub-section (1) of the said section and after sub-section (I) as so renumbered the following sub-section shall be added, namely :

"Powers, Privileges and Immunities of the Legislative Assembly and its Members and Committee—(2) in other respects, the powers, privileges and immunities of the Legislative Assembly and the Members and the Committees thereof shall be such as may from time to time be defined by law and until so defined shall be those of the Parliament of India and its Members and Committee."

5. Amendment of section 31, Act XIV of 1996.....In sub-section (3) of section 31 of the said Act for the words "then become an Act and have the force of law" the words "become an Act and have the force of law as soon as it is published in either of the aforesaid languages" shall be substituted.

6. Amendment of section 37, Act XIV of 1996... In section 37 of the said Act for the words "a members of Board of Judicial Advisors" the words "any Judge of the Supreme Court of India" shall be substituted.

7. Amendment of section 43, Act XIV of 1996....In section 43 of the said Act :

- (i) in clause (c) the words "and members of Board of Judicial Advisors" shall be deleted and

(ii) after clause (d) the following new clause shall be

“(dd) The salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly.”

8. Amendment of section 54, Act XIV of 1896...In section 54 of the said Act for the words “Coat of Arms” the words “State Emblem” shall be substituted.

9. Amendment of section 56, Act XIV of 1996...In subsection (2) of section 56 of the said Act, for the words ‘Rupees ten thousand’ the words “Reupees twenty thousand” shall be substituted.

(ii) this section shall come into force from the state of publication of this Act in the Government Gazette.

10. Omission of section 62, Act XIV of 1996—Section 62 of the said Act shall be omitted.

11. Insertion of new section after section 62, Act XIV of 1096—After section 62 of the said Act, the following new section shall be inserted, namely.

“62A. If the High court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of this Act or the Constitution of India as applied to the Act or the Constitution (Application to Jammu and Kashmir) Order, 1954 the determination of which is necessary for the case, it shall withdraw the case and may—

- (a) either dispose of the case itself or
- (b) determine the said question of law and return the case to the Court from which the case has been so withdrawn together with a copy of its Judgment on such question and the said court shall on receipt thereof proceed of the case in conformity with such judgment.

12. Insertion of new section 66—A, Act XIV of 1996.... After section 66 of the said Act the following new section shall be inserted, namely :

“66—A. If at any time it appears to Council that a question of law or fact has arisen, or is likely to arise, which if of such a nature and of such public importance that it is expedient to obtain the opinion of the High court it, it may refer the question to that Court for consideration and the Court may, after such hearing as it thinks report to the Council its opinion thereon.”

13. Omission of section 71, Act XIV of 1966...Section 71 of the said Act shall be omitted.

14. Omission of section 75, Act XIV of 1966...Section 75 of the said Act shall be omitted.

15. Insertion of new section 76-A Act XIV of 1966.....After section 76 of the said Act the following new section shall be inserted, namely :

“Saving as regards Letters Patent 76-A.....The provision of the Letters Patent continue granted to the High Court on 28th May, 1943 shall continue to remain in force except in so far as these are inconsistent with the provisions of this Act or of any other law for the time being in force.”

16. Amendment of Schedule I-A Act XIV of 1966....In from “C” of Schedule I-A of the said Act the words “for the members of the Board of the Judicial Advisors and”, occurring in the long title, and the words “President/a member of the Board of Judicial Advisors”, in the text of the oath shall be omitted.

The Constitution of Jammu and Kashmir, 1956

(Extract)

We, the People of the State of Jammu and Kashmir, having solemnly resolved, in pursuance of accession of this State to India which took place on the twenty-sixth day of October, 1947, to further define the existing relationship of the State with the Union of India as an integral part thereof, and to secure to ourselves

JUSTICE, social economic and political;

LIBERTY of thought, expression, belief, faith and

worship;

EQUALITY of status and of opportunity; and to promote among us all;

FRATERNITY, assuring the dignity of the individual and the unity of the Nations;

IN OUR CONSTITUENT ASSEMBLY This seventeenth day of November, 1956 do hereby adopt enact and give to ourselves this constitution.

Part I

PRELIMINARY

1. (1) this Constitution may be called the Constitution of Jammu and Kashmir;
(2) This section and section 1, 3, 4, 5, 6, 7, 8, and 158 shall come into force at once and the remaining provisions of this constitution shall come into force on the twenty-sixth day of January, 1957, which day is referred to in this Constitution as the commencement of the Constitution.
2. (1) In this Constitution, unless the context otherwise requires.
 - (a) "Constitution of India" means the Constitution of India as applicable in relation to this State.
 - (b) "existing law" means any law, ordinance, order, bye-law, rule, notification; or regulation passed, made or issued before the commencement of this Constitution by the Legislature or other competent authority or person having power to pass, make or issue such law, ordinance, order, bye-law, rule, notification or regulation;
 - (c) Part means a part of this Constitution;
 - (d) "Schedule" means a schedule to this Constitution; and
 - (e) "taxation" includes the imposition of any tax or

impost, whether general or local or special, and "tax" shall be construed accordingly.

- (2) Any reference in this Constitution to Act or laws of the State Legislature shall be construed as including a reference to an Ordinance made by the Sadar-i-Riyasat.

Part II

THE STATE

- (3) The State Jammu and Kashmir is and shall be an integral part of the Union of India.
- (4) The territory of State shall comprise all the territories which on the fifteenth day of August 1947, were under the sovereignty or suzerainty of the Ruler of the State.
- (5) The executive and legislative power of the State extends to all matters except those with respect to which Parliament has power to make laws for the State under the Provisions of the Constitution of India.

Part III

PERMANENT RESIDENTS

- (6) (1) Every person who is or is deemed to be a citizen of India under the provision of the Constitution of India shall be a permanent resident of the State, if on the fourteenth day of May, 1954.
- (a) he was a State subject of class I or of class II; or
- (b) having lawfully acquired immovable property in the State he was been ordinarily resident in the State for not less than ten years.
- (2) Any person who, before the fourteenth day of

May, 1954 was a State subject of Class I or of Class II and who, having migrated after the first day of March 1947, to the territory now included in Pakistan, returns to the State under a permit for resettlement in the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on such return be a permanent resident of the State.

- (3) In this section, the expression "State subject of Class I or of Class II" shall have the same meaning as the State Notification No. I-L/84 dated the twentieth April 1927 read with State Notification No. 13/L dated the twenty-seventh June, 1932.
7. Unless the context otherwise requires, all references in any existing law to hereditary State subject or to State subject of class I or of class II or of class III shall be construed as references to permanent resident of the State.
 8. Nothing in foregoing provisions of this part shall derogate from the power of the State legislature to make any law defining the classes the persons who are, or shall be permanent resident of the State.
 9. A Bill marking provision for any of the following matters, namely.
 - (a) defining or altering the definition of the classes of persons who are, or shall be, permanent residents of the State.
 - (b) conferring on permanent any special rights or privileges enjoyed by permanent residents;
 - (c) regulating or modifying any special rights or privileges enjoyed by permanent residents;shall be deemed to be passed by either House of the Legislature only if It is passed by a majority of not less than two-thirds of the total membership of that House.
 10. The permanent resident of the State shall have all the

rights guaranteed to them under the Constitution of India

Part IV

DIRECTIVE PRINCIPLES OF STATE POLICY

11. In this part, unless the context otherwise requires, the State includes the Government and the Legislature of the State and all local or other authorities within the territory of the State or under the control of the Government of the State.
12. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the government of the State and it shall be the duty of the State to apply these principles in making laws.
13. The prime object of the State consistent with the ideals and objects of the freedom movement envisaged in New Kashmir shall be the promotion of the welfare of the mass of the people by establishing and preserving a socialist order of society wherein all exploitation of man has been abolished and wherein justice-social, economic and political-shall form all the institutions of national life.
14. Consistently with the objectives outlined in the foregoing section, the State shall develop in a planned manner the productive forces of the country with a view to enriching the material and cultural life of the people and foster and protect.
 - (a) the public sector where the means of production are owned by the State;
 - (b) the co-operative sector where the means of production are co-operatively owned by individuals or groups of individuals; and
 - (c) the private sector where the means of production are owned by an individual or a corporation employing by an individual or a corporation

employment labour, provided that the operations of this sector is not allowed to result in the concentration of wealth or of the means of production to the common detriment.

15. The State shall endeavour to organise and develop agriculture and animal husbandry by bringing to the aid of the cultivator the benefits of modern and scientific research and techniques so as to ensure a speedy improvement in the standard of living as also the prosperity of the rural masses.
16. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.
17. The State shall, in order to rehabilitate, guide and promote the renowned crafts and cottage industries of the State initiate and execute well considered programmes for refining and modernising techniques and modes of production, including the employment of cheap power so that unnecessary drudgery and toil of the workers are eliminated and the artistic value of the products enhanced, while the fullest scope is provided for the encouragement and development of individual talent and initiative.
18. The State shall take steps to separate the judiciary from the executive in the public services, and shall seek to secure a judiciary which is humane, cheap, certain, objective and impartial, whereby justice shall be done and shall be seen to be done and shall further strive to ensure efficiency, impartiality and incorruptibility of its various organs of justice, administration and public utility.
19. The State shall, within the limits of its economic capacity and development, make effective provision for securing:
 - (a) that all permanent resident men and women equally have the right to work that is, the right to receive

guaranteed work with payment for labour in accordance with its quantity and quality subject to a basic minimum and maximum wage established by law;

- (b) that the health and strength of workers, men and women and the tender age of children are not abused and that permanent residents are not forced by economic necessity to enter avocations unsuited to their sex, age or strength;
- (c) that all workers, agricultural or otherwise have reasonable just and humane conditions of work with full enjoyment of leisure and social and cultural opportunities, and
- (d) that all permanent residents have adequate maintenance in old age as well as in the event of sickness disablement unemployment and other cases of undeserved want by providing social insurance, medical aid, hospitals, sanatoria and health resorts at State expense.

20. The State shall endeavour :

- (a) to secure to every permanent resident the right to free education upto the University standard;
- (b) to provide, within a period of ten years from the commencement of this constitution, compulsory education for all children until they complete the age of fourteen years; and
- (c) to ensure to all workers and employees adequate facilities for adult education and part-time technical, professional and vocational courses.

21. The State shall strive to secure:

- (a) to all children the right to happy childhood with adequate medical care and attention; and
- (b) to all children and youth equal opportunities in education and employment protection against exploitation, and against moral or material abandonment.

22. The State shall endeavour to secure to all women :
- (a) the right to equal pay for equal work;
 - (b) the right to maternity benefits as well as adequate medical care in all employment;
 - (c) the right to reasonable maintenance, extending to cases of married women who have been divorced or abandoned;
 - (d) the right to full equality in all social, educational, political and legal matters; and
 - (e) special protection against discourtesy, defamation, hooliganism and other forms of misconduct.
23. The State shall guarantee to the socially and educationally backward sections of the people special care in the promotion of their educational, material and cultural interests and protection against social injustice.
24. The State shall make every effort to safeguard and promote the health of the people by advancing public hygiene and by prevention of disease through sanitation, pest and vermin control, propaganda and other measures, and by ensuring widespread, efficient and free medical services throughout the State and, with particular emphasis, in its remote and backward regions.
25. The State shall combat ignorance, superstition, fanaticism, communalism, racialism, cultural backwardness and shall seek to promote brotherhood and equality among all communities under the aegis of secular State.

Part V

The Executive

THE SADAR-I-RIYASAT

26. (1) The Head of the State shall be designated as the Sadar-i-Riyasat.
- (2) The executive power of the State shall be vested in

the Sadar-i-Riyasat and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(3) Nothing in the Section shall ;

(a) be deemed to transfer to the Sadar-I-Riyasat any functions conferred by any existing law on any other authority; or

(b) prevent the State legislature from conferring by law functions on any authority subordinate to the Sadar-i-Riyasat.

27. The Sadar-i-Riyasat shall be the person who for the time being is recognised by the President as such :

Provided that no person shall be so recognised unless he :

(a) is a permanent resident of the state;

(b) is not less than twenty-five years of age; and

(c) has been elected as Sadar-i-Riyasat by a majority of the total membership of the Legislative Assembly in the manner set out in the First Schedule.

28. (1) The Sadar-i-Riyasat shall hold office during the pleasure of the President.

(2) The Sadar-i-Riyasat may by writing under his hand addressed to the President, resign his office.

(3) Subject to the foregoing provision of this section, the Sadar-i-Riyasat shall hold office for a term of five years from the date on which he enters upon his office :

Provided that he shall notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

29. A person who holds or has held office as Sadar-i-Riyasat shall, subject to the other provisions of this Constitution, be eligible for re-election to that office.

30. (1) The Sadar-i-Riyasat shall not be a member of either

House of Legislature and if a member of either House be elected and recognised as Sadar-i-Riyasat he shall be deemed to have vacated his seat in the House on the date on which he enters upon his office as Sadar-i-Riyasat.

- (2) The Sadar-i-Riyasat shall not hold any other office of profit.
 - (3) The Sadar-i-Riyasat shall be entitled to such emoluments, allowances and privileges as are specified in the Second Schedule.
 - (4) The emoluments and allowances of the Sadar-i-Riyasat shall not be diminished during his term of office.
31. The Sadar-i-Riyasat and every person acting as Sadar-i-Riyasat shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of the High Court, or in his absence, the senior-most judge of the High Court available, in an oath or affirmation in the following form that is to say "I, A. B., do swear in the name of God that I will faithfully discharge the functions of the Sadar-i-Riyasat of Jammu and Kashmir and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of State."
 32. The Sadar-i-Riyasat may be removed from his office by the President if an address by the Legislative Assembly supported by a majority of not less than two-thirds of its total membership is presented to the President praying for such removal on the ground of violation of the Constitution.
 33. When a vacancy occurs in the office of the Sadar-i-Riyasat by reason of his death, resignation or removal or when the Sadar-i-Riyasat is unable to discharge his functions owing to absence, illness or any other cause, the functions of the office shall,

until the assumption of office by a newly elected Sadar-i-Riyasat or the resumption of duties by the Sadar-i-Riyasat, as the case may be, discharged by such person as the President may on the recommendation of the Council of Ministers of the State, recognise as the acting Sadar-i-Riyasat.

34. The Sadar-i-Riyasat shall have the power to grant pardons, reprieves respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

THE COUNCIL OF MINISTERS

35. (1) There shall be council of Ministers with the Prime Ministers at the head to aid and advise the Sadar-i-Riyasat in the exercise of his functions.
- (2) All functions of the Sadar-i-Riyasat except those under setions 36, 38 and 92 shall be exercised by him only on the advice of the Council of Ministers.
- (3) The questions whether any, and if so what, advice was tendered by Ministers to the Sadar-i-Riyasat shall not be inquired into in any court.
36. The Prime Minister shall be appointed by the Sadar-i-Riyasat and the other Ministers ahall be appointed by the Sadar-i-Riyasat on the advice of The Prime Minister.
37. (1) The Council of Ministers shall be collectively responsible to the Legislative Assembly.
- (2) A Minister who for any period of six consecutive months is not a member of either House of Legislature shall upon the expiry of that period cease to be a Minister.
38. The Sadar-i-Riyasat may on the advice of the Prime

Minister appoint from amongst the members of either House of Legislature such number of Deputy Ministers as may be necessary.

39. The Ministers and the Deputy Ministers shall hold office during the pleasure of the Sadar-i-Riyasat.
40. Before a Minister or a Deputy Minister enters upon his office, the Sadar-i-Riyasat or, in his absence, any person authorised by him, shall administer to the Minister or the Deputy Minister to oaths of office and of secrecy according to the form set out for the purpose in the Fifth Schedule.
41. The salaries and allowances of Ministers and Deputy Ministers shall be such as the Legislature may from time to time by law determine and, until so determined, shall be such as are payable respectively to the Ministers and the Deputy Ministers under the Jammu and Kashmir Minister's Salaries Act, 1956 (Act VI of 1956) the Jammu and Kashmir Minister's Travelling Allowances Rules for the time being in force, and the Jammu and Kashmir Deputy Minister Salaries and Allowances Act. S. 2010 (Act VIII of S. 2010)
42. (1) The Sadar-i-Riyasat shall appoint a person who is qualified to be appointed a Judge of the High Court, to be Advocate General for the State.
(2) It shall be the duty of the Advocate General to give advice to the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Government and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.
(3) In the performance of his duties, the Advocate General shall have the right of audience in all courts in the State.

- (4) The Advocate General shall hold office during the pleasure of the Sadar-i-Riyasat and receive such remuneration as the Sadar-i-Riyasat may determine.

CONDUCT OF GOVERNMENT BUSINESS

43. The Sadar-i-Riyasat shall make rules for the more convenient transaction of the business of the Government of the State and for the allocation among Ministers of the said business.
44. It shall be the duty of the Prime Minister
 - (a) to communicate to the Sadar-i-Riyasat all decisions of the Council of Ministers relating to the administration of the affairs of the State and proposals for legislation;
 - (b) to furnish such information relating to the administration of the affairs of the State and proposals for legislation as the Sadar-i-Riyasat may call for; and
 - (c) if the Sadar-i-Riyasat so requires to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.
45. (1) All executive action of the Government shall be expressed to be taken in the name of the Sadar-i-Riyasat of the Jammu and Kashmir.
- (2) Orders and other instruments made and executed in the name of the Sadar-i-Riyasat or of the Government of Jammu and Kashmir shall be authenticated in such manner as may be specified in the rules to be made by the Sadar-i-Riyasat, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by

the Sadar-i-Riyasat or as the case may be by the Government of Jammu and Kashmir.

Part VI

THE STATE LEGISLATURE

COMPOSITION OF THE STATE LEGISLATURE

46. There shall be Legislature for the State which shall consist of the Sadar-i-Riyasat, two House be known respectively as the Legislative Assembly and the Legislative Council.
47. (1) The Legislative Assembly shall consist of one hundred members chosen by direct election from territorial constituencies in the State;
Provided that the Sadar-i-Riyasat may, if he is of opinion that women are not adequately represented in the Assembly nominate not more than two women to be members thereof.
- (2) For the purpose of sub-section (1), the State shall be divided into territorial constituencies in such a manner that the ratio between the population of each constituency and the number of seats allotted to it shall, so far as practicable be the same throughout the State.
Explanation. In this sub-section, the expression "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published.
- (3) Upon the completion of each census, the number, extent and boundaries of the territorial constituencies shall be readjusted by such authority and in such manner as the Legislature may be law determine;
Provided that such readjustment shall not affect representation in the Legislative Assembly until the dissolution of the then existing Assembly.

48. Notwithstanding anything contained in section 47, until the area of the State under the occupations of Pakistan ceases so occupied and the people residing in that area elect their representatives :

- (a) twenty-five seats in the Legislative Assembly shall remain vacant and shall not be taken into account for reckoning the total membership of the Assembly; and
- (b) the said area shall be excluded in delimiting the territorial Constituencies Under Section 47.

49. (1) There shall be reserved in the Legislative Assembly for the Scheduled Castes in the State a number of seats which shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes bears to the population of the State.

- (a) "population" has the same meaning as in sub-section (2) of section 47; and
- (b) "Scheduled Castes" means the castes races or tribes or part of, or groups within castes, races or tribes which are for the purposes of the Constitution of India deemed to be Scheduled Castes in relation to the State under the provisions of article 341 of that Constitution.

(2) The provisions of sub-section (1) shall cease to have effect on the expiration of a period of five years from the commencement of this Constitution :

Provided that such case shall not affect any representation in the Legislative Assembly until the dissolution of the then existing Assembly :

50. (1) The Legislative Council shall consist of thirty six members chosen in the manner provided in this section.

(2) Eleven members shall be elected by the mem-

bers of the Legislative Assembly from amongst persons who are residents of the Province of Kashmir and are not members of the Legislative Assembly.

- (3) Eleven members shall be elected by the members of the Legislative Assembly from amongst persons who are residents of the Province of Jammu and are not members of the Legislative Assembly.

Provided that of the members so elected, at least one shall be a resident of Doda District and at least one shall be a resident of Poonch District.

- (4) One member shall be elected by each of the following electorates, namely

- (a) The members of municipal council town area committees and notified area committees in the Province of Kashmir;
- (b) the members of municipal council, town area committees and notified area committee in the Province of Jammu;
- (c) permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Kashmir; and
- (d) permanent residents who have been for at least three years engaged in teaching in educational institutions recognised by the Government in the Province of Jammu.

- (5) Two members shall be elected by each of the following elections namely :

- (a) the members of the Panchayats and such other local bodies in the province of Kashmir as the Sadar-i-Riyasat may by order specify; and

- (b) the members of the Panchayats and such other local bodies in the Province of Jammu as the Sadar-i-Riyasat may by order specify.
- (6) Six members shall be nominated by the Sadar-i-Riyasat, not more than three of whom shall be persons belonging to any of the socially or economically backward classes in the State, and the others shall be persons having special knowledge or practical experience in respect of matters such as literature, science, art, co-operative movement and social service.
- (7) Elections under sub-section (2) and (3) shall be held in accordance with the system of proportional representation by means of the single transferable vote.

GENERAL PROVISIONS

- 51. A person shall not be qualified to be chosen to fill a seat in the Legislature unless he :
 - (a) is a permanent resident of the State;
 - (b) is, in the case of a seat in the Legislative Assembly not less than twenty-five years of age, and in the case of seat in the Legislative Council, not less than thirty years of age; and
 - (c) possesses such other qualifications as may be prescribed in that by or under any law made by Legislature.
- 52. (1) The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and not longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly;

Provided that the said period may, while a Proclamation of Emergency issued under article 352 to the Constitution of India is in

operation, be extended by the State Legislature by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

- (2) The Legislative Council shall not be subject to dissolution but as nearly as possible one-third of the members thereof shall retire, as soon as may be, on the expiration of every second year in accordance with the provisions made in that behalf by Legislature by law.
53. (1) The *Sadar-i-Riyasat* shall from time to time summon each House of the Legislature to meet at such time and place as he thinks fit, last sitting in one session and the date appointed for its first sitting in the next session.
- (2) The *Sadar-i-Riyasat* may from time to time.....
 - (a) prorogue the house or either House,
 - (b) dissolve the Legislative Assembly.
54. (1) The *Sadar-i-Riyasat* may address either House of Legislature, or both Houses assembled together, and may for that purpose require the attendance of members.
- (2) The *Sadar-i-Riyasat* may send messages to either House, whether with respect to a Bill then pending in the Legislature, or otherwise and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.
55. (1) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the *Sadar-i-Riyasat* shall address both Houses of Legislature assembled together and inform the Legislature of the cause of its summons.

- (2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such address.
56. Every Minister and the Advocate General shall have the right to speak in, and otherwise to take part in the proceedings, of both Houses and to speak in and otherwise to take part in the proceedings of any Committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

OFFICERS OF THE STATE LEGISLATURE.

57. The Legislative Assembly shall, as soon as may choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker as the case may be.
58. A member holding office as Speaker or Deputy Speaker of the Legislature Assembly.
 - (a) shall vacate his office if he ceases to be a members of the Assembly;
 - (b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, his office, and
 - (c) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly;

Provided that no resolution for the purpose of clause (c) shall be moved unless at

least fourteen days notice has been given of the intention to move the resolution.

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

59. (1) While the office of Speaker is vacant the duties of the office shall be performed by the Deputy Speaker or, if the office of the Deputy Speaker is also vacant, by such member of the Assembly as the *Sadar-i-Riyasat* may appoint for the purpose.
- (2) During the absence of the Speaker from any sitting of the Assembly the Deputy speaker or, if he is also absent, such person as may be determined by rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly shall act as Speaker.
60. (1) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration. the Speaker or while any resolution for the removal of the Deputy Speaker from his office is under consideration the Deputy Speaker shall not though he is present preside and the provisions of sub-section (2) of section 59 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.
- (2) The Speaker shall have the right to speak in and otherwise to take part in the proceedings of the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding

anythings in section 67, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

61. (1) The Legislative Council shall, as soon as may be, choose two members of the Council to be respectively Chairman and Deputy Chariman thereof and, so often as the office of the Chairman or Deputy Chairman becomes vacant, the Council shall choose another members to be Chairman or Deputy Chairman, as the case may be.
(2) The provisions of of sections 58,59 and 60 shall apply in relation to the Chairman and Duputy Chimman of the Legislative Councial with the substitution of the words "Chariman" and "Council" for the words "Speaker" and "Assembly" respectively wherever they occur in those provisions and with the ommision of the further proviso to section 58.
62. There shall be pay to the speaker and the Deputy Speaker of the Legislative Assembly and to the Chairman and the Deputy Chairman of the Legislative Councial such salaries and allowances as may be respectively fixed by Legislature by law and until provision in that behalf is so made, such salries and allowances as are specified in the Third Schedule.
63. (1) Each House of the Legislature shall have a separate secretarial Staff :
Provided that nothing in this sub-section shall a be contrued as preventing the creation of posts common to both House.
(2) The Legislature may be law regular the recruitment, and the conditions of service of persons appointed, to the secretarial staff of each House.

- (3) Until provision is made by the Legislature under sub-section (2), the Sadar-i-Riyasat may, after consultation with the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be make rules regulating the recruitment, and the conditions of service of persons appointed, to the secretarial staff of the Assembly or the Council, and any rules so made shall have effect subject to the provisions of any law made under the said sub-section.

CONDUCT OF BUSINESS

64. Every member of the Legislative Assembly or the Legislative Council shall before taking his seat, make and subscribe before the Sadar-i-Riyasat or some person appointed in that behalf by him an oath or affirmation according to the form set out for the purpose in the Fifth Schedule.
65. Save as otherwise provided by the rules of procedure of the House, the quorum to constitute a meeting of the Legislative Assembly and of the Legislative Council shall be twenty and ten respectively.
66. A house of the Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.
67. (1) Save as othrewise provided in this Constitution, all questions at any sitting of a House of the Legislature shall be determined by a majority of votes of the members present and voting, other than

the Speaker or Chairman, or person acting as such.

- (2) The Speaker or Chairman, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

DISQUALIFICATIONS OF MEMBERS

68. (1) No person shall be a member of both Houses of the Legislature and provisions shall be made by Legislature by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other.

- (2) If a member of a House of the Legislature resigns his seat by writings under his hand addressed to the Speaker or the Chairman, as the case may be, his seat shall thereupon become vacant.

- (3) If for a period of sixty days a member of a House of the Legislature is without permission of the House absent from all meetings thereof, the House may declare his seat vacant :

Provided that in computing the said period of sixty days no account shall be taken of:

- (a) such absence caused by reason beyond his control; or
- (b) any period during which the House is prorogued or is adjourned for more than four consecutive days.

69. (1) A person shall be disqualified for being chosen and for being a member of the Legislative Assembly or Legislative Council:

- (a) if he holds any office of profit under the Government of India or the State

Government within the Union of India other than an office declared by Legislature by law not to dis-qualify its holder;

- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he is an undischarged insolvent;
- (d) if he is not a permanent resident of the State or has vountarly acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance to adherence to a foreign State;

- (2) For the purposes of this, a person shall not be deemed to hold an office of profit under the Government of India, the State Government or any othe State Government or any other State Government within the Union of India, by reason only that he is a Minister or a Deputy Minister.

70. (1) If it is represented to the Speaker or the Chairman that a members of the Legislative Assembly or, as the case may be, of the Legislative Council is disqualified for being such a members under the provisions of section 69, or was so disqualified at any time since being chosen as a member and the member does not admit that he is or was so disqualified, the question shall be referred to the High Court decision and its decision shall be final :

Provided that where the disqualification in question arises from circumstances which subsisted at the time of his being chosen as such member, no such representation as afore-said shall be entertained :

- (a) unless it is made after the expiration of the period by law for presenting an election petition calling in question the election of

the members; and

(b) if such an election petition is pending or has been tried, unless the Speaker or Chairman as the case may be is satisfied that the question of the members disqualification by reason of those circumstances has not been raised or, as the case may be, was not raised, in the proceedings on the elections petition.

(2) Where on a representation made under sub-section (1) the member admits that he is or was disqualified under the provisions of section 69, or where on a reference made under that sub-section the High Court decides that the member is or was so disqualified, his seat shall thereupon become vacant.

71: If a person sits or votes as a member of the Legislative Assembly or the Legislative Council before he has complied with the requirements of section 64 or when he knows that he is not qualified or that he is disqualified for membership thereof or that he is prohibited from so doing by the provisions of any law made by the Legislature he shall be liable in respect of each day on which he so sits or votes to a penalty of one hundred rupees to be recovered as a debt due to the State.

POWERS, PRIVILEGES AND IMMUNITIES OF THE STATE LEGISLATURE AND ITS MEMBERS

72. (1) Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature.

(2) No member of the Legislature shall be liable to any proceedings in any court in respect of

anything said or any vote given by him in the Legislature or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of a House of the Legislature of any report, paper votes, or proceedings.

- (3) In other respect, powers, privileges and immunities of a House of the Legislature and of the members and the committees of a House of the Legislature shall be such as may from time to time be defined by Legislature by law, and until so defined shall be those of the Parliament of India and of its members and committees.
 - (4) The provisions of sub-sections (1), (2) and (3) shall apply in relation to persons who by virtue of the Constitution have the right to speak, in and otherwise to take part in the proceedings of, a House of the Legislature or any committee thereof as they apply in relation to members of that Legislature.
73. Members of the Legislative Assembly and the Legislative Council shall be entitled to receive such salaries and allowances as may from time to time be determined by Legislature by law and, until provision in that respect is so made, salaries and allowances at such rates and upon such conditions as were immediately before the commencement of this Constitution applicable in the case of members of the Constituent Assembly.

LEGISLATIVE PROCEDURE

74. (1) Subject to the provisions of sections 76 and 84 with respect to Money Bills and other Financial Bills, a Bill may originate in either House of the Legislature.
- (2) Subject to the provisions of sections 75 and 76

a Bill shall not be deemed to have been passed by the Legislature unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.

- (3) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the House or House thereof.
- (4) A Bill pending in the Legislative Council which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly.
- (5) A Bill which is pending in the Legislative Assembly or which having been passed by the Legislative Assembly is pending in the Legislative Assembly Council, shall lapse on dissolution of the Assembly.

75. (1) If after a Bill has been passed by the Legislative Assembly and transmitted to the Legislative Council :

- (a) the Bill is rejected by the Council; or
- (b) more than three months elapse from the date on which the Bill is laid before the Council without the Bill being passed by it; or
- (c) the Bill is passed by the Council with amendments to which Legislative Assembly does not agree; the Legislative Assembly may, subject to the rules regulating its procedure, pass the Bill again in the same or in any subsequent session with or without such amendments, if any, as have been made suggested or agreed to by the Legislative Council and then transmit the Bill as so passed to the Legislative Council.

(2) If after a Bill has been so passed for the

second time by the legislative Assembly and transmitted to the Legislative Council :

- (a) the Bill is rejected by the Council; or
- (b) more than one month elapses from the date on which the Bill is laid before the Council without the Bill being passed by it; or
- (c) the Bill is passed by the Council with amendments to which the Legislative Assembly does not agree :

the Bill shall be deemed to have been passed by the House of the Legislature in the form in which it passed by the Legislative Assembly for the second time with such amendments, if any, as have been made or suggested by the Legislative Council and agreed to by the Legislative Assembly.

- (3) Nothing in this section shall apply to a Money Bill.

76. (1) A Money Bill shall or not be introduced in the Legislative Council.

- (2) After Money Bill has been passed by the Legislative Assembly it shall be transmitted to the Legislative Council for its recommendations and the Legislative Council shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may there upon either accept or reject all or any of the recommendations of the Legislative Council.

- (3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council the Money Bill shall be deemed to have been passed by both House with the amendments recommended by the Legislative Council and accepted

by the Legislative Assembly.

- (4) If the Legislative Assembly does not accept any of the recommendations of the Legislative Council the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the Legislative Assembly without any of the amendments recommended by the Legislative Council.
 - (5) If a Money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which was passed the Legislative Assembly.
77. (1) For the purpose of the part, a Bill shall be decided to be a Money Bill if it contains only provisions dealing with all or any of the following matters namely :
- (a) the imposition, abolition, remission, alteration or regulation of any tax;
 - (b) the regulation of the borrowing of money or the giving of any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the State;
 - (c) the custody of the Consolidated Fund or the Contingency Fund of the State, the payment of money into or the withdrawal of moneys from any such Fund;
 - (d) the appropriation of moneys out of the Consolidated Fund of the State;
 - (e) the declaring of any expenditure to be expenditure charges on the consolidated Fund of the State, or the increasing of the

- amount of any such expenditure;
- (f) the receipt of money on account of the Consolidated Fund of the State or the public account of the State or the custody or issue of such money; or
 - (g) any matter incidental to any of the matters specified in clauses (a) to (f)
- (2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.
- (3) If any question arises whether a Bill introduced in the Legislature is a Money Bill or not, the decision of the Speaker or the Legislative Assembly thereon shall be final.
- (4) There shall be endorsed on every Money Bill when it is transmitted to the Legislative Assembly to the Sadar-i-Riyasat for assent under section 78, the certificate of the Speaker or the Legislative Assembly signed by him that it is a Money Bill.
78. When a Bill has been passed by both House of the Legislature, it shall be presented to the Sadar-i-Riyasat and the Sadar-i-Riyasat shall declare either that he assents to the Bill or that he withholds assent therefrom.

Provided that the Sadar-i-Riyasat may, as soon as possible after the presentation to him of the Bill for assent, return the Bill if it is not a Money Bill together with a message requesting that the Houses will reconsider the Bill or any specified provisions thereof and, in particular, will consider the

desirability of introducing any such amendments as he may recommend the Houses shall reconsider the Bill accordingly and if the Bill is passed again by House with or without amendment and presented to the Sadar-i-Riyasat for assent, the Sadar-i-Riyasat shall not withhold assent therefrom.

PROCEDURE IN FINANCIAL MATTERS

79. (1) The Sadar-i-Riyasat shall in respect of every financial year cause to be laid before both Houses of the Legislature a statement of the estimated receipts and expenditure of the State for that year in this part referred to as the "annual financial statement."
- (2) The estimates of expenditure embodied in the annual financial statement shall show separately
 - (a) the sums required to meet expenditure described by this constitution as expenditure charged upon the Consolidated Fund of the State; and
 - (b) the sums required to meet other expenditure proposed to be made from the consolidated Fund of the State; and shall distinguish expenditure on revenue account from other expenditure.
- (3) The following expenditure shall be expenditure charged on the consolidated fund of the State;
 - (a) the emoluments and allowances of the Sadar-i-Riyasat and other expenditure relating to his office;
 - (b) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly and of the Chairman and the Deputy Chairman of the Legislative Council.

- (c) debt charges for which the State is liable including interest, sinking fund charges and redemption charges and other expenditure relating to the raising of loans and the service and redemption of debt.
 - (d) expenditure in respect of the salaries and allowances of the Judges of the High Court;
 - (e) any sums required to satisfy any judgement decree or award of any Court or arbitral tribunal;
 - (f) any other expenditure declared by this Constitution, or by Legislature by law to be so charged.
80. (1) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of the State shall be submitted to the vote of the Legislative Assembly but nothing in this sub-section shall be construed as preventing the discussion in the Legislature of any those estimates.
- (2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.
- (3) No demand for a grant shall be made except on the recommendation of the *Sadar-i-Riyasat*.
81. (1) As soon as may be after the grants under section 80 have been made by the Assembly there shall be introduced a Bill to provide for the appropriation out of the Consolidated fund of the State of all moneys required to meet;
- (a) the grants so made by the Assembly and
 - (b) the expenditure charged on the Consolidated

Fund of the State but not exceeding in any case the amount shown in the statement previously laid before the Houses.

- (2) No amendment shall be proposed to any such Bill in either House of the Legislature which will have the effect of varying the amount or altering the destination of any expenditure charged on the Consolidated Fund of the State, and the decision of the person presiding as to whether an amendment is inadmissible under the sub-section shall be final.
- (3) Subject to the provisions of section 82 and 83, no money shall be withdrawn from the Consolidated Fund of the State except under appropriation made by law passed in accordance with the provisions of this section.

82. (1) Sadar-i-Riyasat shall :

- (a) if the amount authorised by any law made in accordance with provisions of section 81 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year of supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year; or
- (b) if any money has been spent on any service during a financial year in excess of the amount granted for the service and for that year, cause to be laid before the house of the Legislature another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly a demand for such excess as the case may be.

(2) The provisions of sections 79, 80 and 81 shall

have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidate Fund of the State to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the state to meet such expenditure or grant.

83. (1) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power :

- (a) to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure in section 80 for the voting of such grant and the passing of the law in accordance with the provisions of section 81 in relation to that expenditure;
- (b) to make a grant for meeting an unexpected demand upon the resources of the State when on account of the magnitude or the indefinite character of the services the demand cannot be stated with the details ordinarily given in annual financial statement;
- (c) to make an exceptional grant which forms no part of the current service of any financial year;

and the Lagislative shall have power to authorise by law the withdrawal of money from the Consolidated Fund of the State for the purposes for which the said grants are made.

- (2) The provisions of section 80 and 81 shall have effect in relation to the making of any grant under sub-section (1) and to law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation for appropriation of moneys out of the Consolidated Fund of the State to meet such expenditure.

84. (1) A bill or amendment making provision for any of the matters specified in clauses (a) to (f) of sub-section (1) of section 77 shall not be introduced or moved except on the recommendation of the Sadar-i-Riyasat and a Bill making such provision shall not be introduced in the Legislative Council :

Provided that no recommendation shall be required that this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

- (2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for imposition, abolition remission alteration or regulation of any tax by any local authority or body for local purposes.
- (3) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State shall not be passed by a House of the Legislature unless the Sadar-i-Riyasat has recommended to that House the consideration of the Bill.

PROCEDURE GENERALLY

85. (1) A House of the Legislature may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.
- (2) Until rules are made under sub-section (1), the rules of procedure and standing orders in force immediately before the commencement of this Constituent Assembly while discharging the functions of the Legislative Assembly shall have effect in relation to each House of the Legislature subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly or the Chairman of the Legislative Council as the case may be.
- (3) The Sadar-i-Riyasat, after consultation with the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, may make rules as to the procedure with respect to communications between the two Houses.
86. (1) The Legislature may, for the purpose of the timely completion of financial business, regulate by law the procedure of, and the conduct of business in, the House of the Legislature in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the State and, if and so far as any provision of any law so made is inconsistent with any rule made by either House of the Legislature under sub-section (1) of section 85 or with any rule of standing order having effect in relation to either House of the Legislature under sub-section (2) of that section such provisions shall prevail.
87. Business in the Legislature shall be transacted in Urdu or in English.
- (1) Provided that the Speaker of the Legislative

Assembly or the Chairman of the Legislative Council or person acting as such as the case may be may promote any member to address the House in Hindi, or if he cannot adequately himself in any of the aforesaid languages, to address the House in his mother-tongue.

- (2) The official records of the proceedings in the Legislature shall be kept in Urdu as well as in English.
 - (3) The text of all Bills and amendments thereof moved in and of all Acts passed by the legislature which shall be treated as authoritative, shall be in English.
88. No discussion shall take place in the Legislature with respect to the conduct of any Judge of the Supreme Court or of the High Court in the discharge of his English.
89. (1) The validity of any proceedings in the Legislature shall not be called in question on the grounds of any alleged irregularity of procedure.
- (2) No officer or member of the Legislature in whom powers are vested by or under this Constitution for regulating procedure or the conduct of Business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.
90. No law of the Legislature and no provision in any such Act shall be invalid by reason only that some recommendation required by this Constitution was not given, if assent to that Act was given by the *Sadar-i-Riyasat*.

Legislature power of the *Sadar-i-Riyasat* :

91. (1) If at any time, except when both Houses of

the Legislature are in session, the Sadar-i-Riyasat is satisfied that circumstances exist which render it necessary for him to take immediate action; he may promulgate such Ordinances as the circumstances appear to him to require.

Provided that power of making Ordinance under this Section shall extend only to those matters with respect to which the Legislature has power to make laws.

- (2) An Ordinance promulgated under this section shall have the same force and effect as an Act of the Legislature assented to by the Sadar-i-Riyasat, but every such Ordinance:
- (a) shall be laid before both the House of the Legislature, and shall cease to operate at the expiration of six weeks from the re-assembly of the Legislature, or if before the expiration of that period a resolution disapproving it is passed by the Legislature Assembly and agreed to by Legislative Council, upon the resolution being agreed to by the Legislative Council, and
 - (b) may be withdrawn at any time by the Sadar-i-Riyasat.

Explanation :—Where the Houses of the Legislature are summoned to re-assemble on different dates the period of six weeks shall be reckoned from the latter of, these dates for the purpose of this sub-section.

Breakdown of Constitutional Machinery.

92. (1) If at any time the Sadar-i-Riyasat is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution, the Sadar-i-Riyasat may by Proclamation :
- (a) assume to himself all or any of the

functions of the Government of the State and all or any of the powers vested in or the State;

- (b) make such incidental and cosequential provisions as appear to the Sadar-i-Riyasat to be necessary or desirable for giving effect to the object of the Proclamation including provisions for suspending in whole or in part the operation of any provision of this Constitution relating to any body or authority in the State :

Provided that nothing in this section shall authorised the Sadar-i-Riyasat to assume to himself any of the powers vested in or exercisable by the High Court or to suspend in whole or in part the operation of any provision of this Constitution relating to the High Court.

- (2) Any such Proclamation may be revoked or carried by a subsequent Proclamaition.
- (3) Any such Proclamation whther varied under sub-section (2) or not, shall except where it is a Proclamation revoking a previous Proclamation, cease to perate on the expiration of six months from the date on which it was first issued.
- (4) If the Sadar-i-Riyasat by a Proclamation under this section assumes to himself any of the powers of the legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by an Act of the Legislature, and any reference in this Constitution to any Acts of or laws made by the Legilature shall be construed as including a reference to such law.

- (5) No Proclamation under sub-section (1) shall be issued except with the concurrence of the President of India.
- (6) Every Proclamation under this section, shall, except where it is a Proclamation revoking a pervious Proclamation be laid before each house of the Legisiature as soon as it is convened.

Part VII

THE HIGH COURT

- 93. (1) There shall be a High Court for the State, consisting of a Chief Justice and two or more other judges.
- (2) The High Court exercising jurisdiction in relation to the State immediately before the commencement of this Constitution shall be the High Court for the State.
- 94. The High Court shall be a court of record and shall have all the powers of such a courts including the power to punish for contempt of itself or of the courts subordinate to it.
- 95. Every Judge of the High Court shall be appointed by the President by Warant under his hand and seal after consultation with the Chief Justice of India, the Sadar-i-Riyasat and in the case of appointment of a Judge other than the Chief Justice, the Chief Justice of the High Court and shall hold office until he attains the age of sixty years.
- 96. A person shall not be qualified for appointment as a Judge of the Hlgh Court unless he is a citizen of India, and :
 - (a) has for at least ten years held a judicial office in the State or in any other part of India; or
 - (b) has for at least ten years been an advocate of

the State High Court in India or of two or more such courts in succession.

Explanation :—For the purposes of this Section in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held judicial office after he become an advocate.

97. Every person appointed to be a Judge of the High Court, shall, before he enters upon his office, make and subscribe before the Sadar-i-Riyasat or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Fifth Schedule.
98. (1) There shall be paid to the Judges of the High Court such salaries as are specified in the Fourth Schedule.
- (2) Every Judge shall be entitled to such allowances and to such rights in respect of leave of absence and pension as may from time to time be determined by or under law made by the Legislature, and until so determined, to such allowances and rights as are specified in the Fourth Schedule :

Provided that neither the allowances of a Judge nor his in respect of leave of absence or pension shall be varied to his disadvantage after his appointment :
99. (1) A Judge of the High Court may, by writing under his hand addressed to the President, resign his office.
- (2) A Judge of the High Court shall not be removed from his office by an order of the President passed after an address by each House of the Legislature supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the

members of that House present and voting has been presented to the president in the same session for such removal on the ground of proved mis-behaviour or incapacity.

- (3) The Legislature may by law regulate the procedure for the presentation of an address and for the investigation and proof of the mis-behaviour or incapacity of a Judge under subsection (2).
100. (1) When the office of the Chief Justice is vacant or when the Chief Justice is by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other Judges of the Court as the President may appoint for the purpose.
- (2) When any Judge of the High Court other than the Chief Justice is by reason of absence or for any other reason unable to perform the duties of his office or is appointed to act temporarily as Chief Justice, the President may appoint a duly qualified person to act as a Judge of the Court until the permanent Judge has resumed his duties.
101. (1) The usual places of sitting of the High Court shall be Jammu and Srinagar.
- (2) The Chief Justice shall, with the approval of the Sadar-i-Riyasat determine the number of Judges who shall sit from time to time at Jammu and at Srinagar for such period as may be needed necessary.
- (3) Whenever it appears to the Chief Justice that it is desirable that the High Courts should hold its sitting at a place other than Srinagar and Jammu, one or more Judges of the High Court as determined by him shall, with the previous approval of the Sadar-i-Riyasat, sit at such place.

102. Subject to the provisions of this Constitution and to the provisions of any law for the time being in force, the jurisdiction of and the law administered in the High Court and the respective powers of the Judges thereof in relation to the administration of justice in the court, including any power to make rules of court and to regulate the sittings of the court and of members thereof, sitting alone of the court the commencement of this Constitution.
103. The High Court shall have power to issue to any person or authority, including in appropriate cases any Government within the State, directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for any purpose other than those mentioned in clause (2A) of article 32 of the Constitution of India.
104. (1) The High Court shall have superintendence and control over all courts for the time being subject to its appellate or revisional jurisdiction and all such courts shall be subordinate to the High Court.
 - (2) Without prejudice to the generality of the foregoing provision, the High court may :
 - (a) call for returns from such courts;
 - (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts; and
 - (c) Prescribe forms in which books, entries and accounts shall be kept by the officers of any such court.
 - (3) The High Court may also settle tables of fees to be allowed to the sheriff and all clerks and officers of such courts and to attorneys, advocates and pleaders

practising therein:

Provided that any rules make, forms prescribed or tables settled under sub-section (2) or sub-section (3) shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Sadar-i-Riyasat.

105. If the High Court is satisfied that a case pending in a court subordinate to it involves a substantial question of law as to the interpretation of this Constitution or the Constitution of India the determination of which is necessary for the disposal of the case, it shall withdraw the case and may :
- (a) either dispose of the case itself; or
 - (b) determine the said question of law and return the case to the court from which the case has been so withdrawn together with a copy of its judgement on such question and the said court shall on receipt thereof proceed to dispose of the case in conformity with such judgement.
106. No person who had held office as a Judge of the High Court after the commencement of this Constitution shall plead or act in any court or before any authority within the State.
107. (1) The High Court shall have and use as occasion may require a seal bearing a device and impression of the State emblem with an exergue or label surrounding the same with the inscription :
- “The seal of the High Court of Jammu and Kashmir”
- (2) The seal shall be delivered to and kept in the custody of, a the Registrar or such other office of the court as the Chief Justice may designate in this behalf.
108. (1) Appointments of officers and servants of the

High Court shall be made by the Chief Justice of the court or such other judge or officer of the court as he may direct :

Provided that the Sadar-i-Riyasat may by rule require that in such cases as may be specified in the rule in such cases as may be specified in the rule no person not already attached to the court shall be appointed to any office connected with the court save after consultation with the State Public Service Commission.

- (2) Subject to the provisions of any law made by the Legislature, the conditions of service of the officers and servants of the High Court shall be such as may be prescribed by rules made by the High Court with the approval of the Sadar-i-Riyasat.
- (3) The administrative expenses of the High Court including all salaries, allowances and pensions payable to or in respect of the officers and servants of the Court shall be charged upon the Consolidated Fund of the State, and any fees or other moneys taken by the Court shall form part of that Fund.

SUBORDINATE COURTS

109. (1) Appointment of persons to be, and the posting and promotion of, district judges in the State shall be made by the Sadar-i-Riyasat in consultation with the High Court.
- (2) A person already in the service of the State shall only be eligible to be appointed a district judge if he has been for not less than seven years an advocate or pleader and is recommended by the High Court for appointment.
110. Appointment of persons other than district judges to the judicial service of the State shall be made

by the Sadar-i-Riyasat in accordance with rules made by him in that behalf after consultation with the Public Service Commission and with the High Court.

111. The control over district courts and courts subordinate thereto including the posting and promotion, of and the grant of leave to persons belonging to the judicial service of the State and holding any post inferior to the post of district judge shall be vested in the High Court but nothing in this section shall be construed as taking away from any such person any right of appeal which he may have under the law regulating the conditions of his service or as authorising the High Court to deal with him otherwise than in accordance with the conditions of his service prescribed under such law.
112. In this part...
 - (a) the expression "district judge" includes additional district judge, assistant district judge, sessions judge, additional sessions judge and assistant sessions judge;
 - (b) the expression "judicial service" means a service consisting exclusively of persons intended to fill the post of district judge, and other civil judicial posts inferior to the post of district judge.
113. The Sadar-i-Riyasat may by public notification direct that the foregoing provisions of this part and any rules made thereunder shall with effect from such date as may be fixed by him in that behalf apply in relation to any class or classes of magistrates in the State as they apply in relation to any persons appointed to the judicial service of the State Subject to such exceptions and modifications as may be specified in the notification.

Part VIII

FINANCE, PROPERTY AND CONTRACTS

114. No tax shall be levied or collected except by authority of law.
115. (1) Subject to the provisions of section 116, all revenues received by the Government, all loans raised by the Government by the issue of treasury bills, loans or ways and means advances and all moneys received by Government in repayment of loaned shall form one consolidated fund to be entitled "the Consolidated Fund of the State."
 - (2) All other public moneys received by or on behalf of the Government shall be credited to the public account of the State.
 - (3) No money out of the Consolidated Fund of the State shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution.
116. The Legislature may by law establish a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the State" into which shall be paid from time to time such sums as may be determined by such law, and the said Fund shall be placed at the disposal of the Sadr-i-Riyasat to enable advances to be made by him out of such fund for the purpose of meeting unforeseen expenditure pending authorisation of such expenditure by Legislature by law under section 82 or 83.
117. The State may sanction grants for any public purpose, notwithstanding that the purpose is not one with respect to which the Legislature may make.
118. The custody of the Consolidated Fund of the State and the Contingency Funds of the State, the

payment of moneys into such funds, the withdrawal of moneys therefrom, the custody of public moneys other than those credited to such Fund received by or on behalf of the Government, their payment into the public account of the State and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by law made by the Legislature and, until provision in that behalf is so made, shall be regulated by rules made by the *Sadar-i-Riyasat*.

119. All moneys received by or deposited with :
- (a) any officer employed in connection with the affairs of the State in his capacity as such other than revenues or public moneys raised or received by the Government; or
 - (b) any court within the State to the credit of any cause, matter, account of the State.
120. Any property within the State which, if this Constitution had not come up into operation would have accrued to the Government or any other authority in the State by escheat or lapse, or as *bona-vacantia* for want of a rightful owner, shall vest in the State.
121. (1) The executive power of the State shall extend, subject to any law made by the State Legislature, to the carrying on of any trade or business, and to the grant, sale, disposition or mortgage of any property held for the purposes of the State, and to the purchase or acquisition of property for those purposes and to the making of contracts.
- (2) All property acquired for the purposes of the State shall vest in the State.
122. (1) All contracts made in the exercise of the executive power of the State shall be expressed

to be made by the Sadar-i-Riyasat and all such contracts and all assurance of property made in the exercise of that power shall be executed on behalf of the Sadar-i-Riyasat by such persons and in such manner as he may direct or authorise.

- (2) The Sadar-i-Riyasat shall be not be personally liable in respect of any contract or assurance made or executed for the purposes of this Constitution, or for the purposes any of enactment relating to the Government of the State heretofore in force, nor shall any person making or executing any such contract of assurance on his behalf be personally liable in respect thereof.
123. The Government may use or be used by the name of the State of Jammu and Kashmir and may, subject to any provisions which may be made by Act of the Legislature enacted by virtue of powers conferred by this Constitution, use or be used in relation to its affairs in the like cases as the State might have used or been used of this Constitution had not been enacted.

Part IX

THE PUBLIC SERVICE

124. Subject to the provisions of this Constitution the Legislature may by law regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the State :

Provided that shall be competent for the Sadar-i-Riyasat or such person as he may direct, to make rules regulating the recruitment and the conditions of services of persons appointed, to such services and posts until provisions in that behalf is made

by or under an Act of the Legislature under this section, and any rules so made shall effect subject to the provisions of any such Act.

125. (1) Except expressly provided by this Constitution, every person who is a member of a civil service of the State or holds any civil post under the State hold office during the pleasure of the Sadar-i-Riyasat.
- (2) Notwithstanding that a person holding a civil post under the State office during pleasure of the Sadar-i-Riyasat, any contract under which a person, notbeing a member of a civil service ofthe State, is appointed to hold such a post may, if the Sadar-i-Riyasat deems it necessary in order to secure the services of a person having special qulaification provide for the payment to him of compensation, if before the expiraton of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part required to vacate that post.
126. (1) No person who is a member of a civil service of the State or holds a civil post under the State shall be dismissed or removed by an authority subordinate to taht by which he was appointed.
- (2) No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing-cause against the action proposed to be taken in regard to him :
- Provided that this sub-section whall not apply :
- (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge;

- (b) where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause; or
 - (c) where the Sadar-i-Riyasat is satisfied that in the interests of the security of the State it is not expedient to give to that person such an opportunity.
- (3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section.
 - (4) The decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.
127. Until other provision is made in this behalf under the constitution all the laws in force immediately before the commencement of this Constitution and applicable to any public service or any post which continues to exist after the commencement of this Constitution as service or post under the State, shall continue in force so far as consistent with the provisions of this Constitution.

THE PUBLIC SERVICE COMMISSION

128. There shall be a Public Service Commission (hereinafter referred to in this Part as "the Commission") for the State.
129. (1) The Chairman and other members of the Commission shall be appointed by the Sadar-i-Riyasat :
- Provided that as nearly as may be one-half of the members of the Commission shall be

persons who at the dates of their respective appointments have held office for at least ten years under the Governments.

- (2) A member of the Commission shall hold office of a terms of five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier :

Provided that :

- (a) a member of the Commission may, by writing under his hand addressed to the Sadar-i-Riyasat, resign his office;
- (b) a members of the Commission may be removed from his office in the manner hereinafter provided.

- (3) A person who holds office as a member of the Commission shall on the expiration of his term of office, be ineligible for re-appointment to that office:

130. (1) Subject to the provisions of sub-section (3), the Chairman or any other member of the Commission shall only be removed from his office by order of the Sadar-i-Riyasat on the goound of misbehaviour after the High Court on reference being made to it by the Sadar-i-Riyasat has, on inquiry held in that behalf, reported that the Chairman or such other members, as the case may be ought on any such ground to be removed.

- (2) The Sadar-i-Riyasat may suspend from office the Chairman or any other member of the Commission inrespect of whom a reference has been made to the High Court under sub-section (1) until the Sadar-i-Riyasat has passed orders on receipt of the report of the High Court on such reference.

- (3) Notwithstanding anything in sub-section (1) the

Sadar-i-Riyasat may by order remove from office the Chairman or any other member of the Commission if the Chairman or such other member as the case may be—

- (a) is adjudged an insolvent; or
 - (b) engages during his term of office in any paid employment outside the duties of his office; or
 - (c) is, in the opinion of the Sadar-i-Riyasat unfit to continue in office by reason of infirmity of mind or body.
- (4) If the Chairman or any other member of the Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of the State, the Government of India or the Government of any other State in India or participates in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with other members of an incorporated company he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

131. The Sadar-i-Riyasat may by regulations :

- (a) determine the number of members of the Commission and their conditions of service; and
- (b) make provision with respect to the number of members of the staff of the Commission and their conditions of service;

Provided that the conditions of service of a member of the Commission shall not be varied to his disadvantage after his appointment.

132. On ceasing to hold office the Chairman and the members of the Commission shall be ineligible for further office under the Government of the State,

but a member other than the Chairman shall be eligible for appointment as a Chairman of the Commission.

Explanation :—For the purpose of this section; the office of Minister or Deputy Minister shall not be deemed to be an office under the Government of the State.

133. (1) It shall be duty of the Commissions to conduct examination for appointment to the services of the State.

(2) The Commission shall be consulted—

- (a) on all matters relating to methods of recruitment to civil services and for civil posts;
- (b) on the principles to be followed in making appointments to services and posts and in making promotions and transfers from one service to another and on the suitability of candidate for such appointments, promotions or transfers;
- (c) on all disciplinary matters affecting a person serving under the Government including memorials or petitions relating to such matters;

and it shall be the duty of the Commission to advise on any matters so referred to them or on any other matters which the Sadar-i-Riyasat may refer to them :

Provided that the Sadar-i-Riyasat may make regulations specifying the matters in which either generally, or in any particular class of cases or any particular circumstances, it shall be necessary for the Commission to be consulted.

(3) Nothing in sub-section (2) shall require the Commission to be consulted as respects the manner in which a provision may be made by

the State for the reservation of appointment or posts in favour of any class of permanent residents which in the opinion of the Government is not adequately represented in the services under the State.

- (4) All regulations made under the proviso to sub-section (2) by the Sadar-i-Riyasat shall be laid for not less than fourteen days before each House of the Legislature as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as the Legislative Assembly may make during session in which they are so laid.
134. If the office of the Chairman of the Commission becomes vacant or if the Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall until some person appointed under sub-section (1) of section 129 to the vacant office has entered on the duties thereof or, as the case may be until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the Sadar-i-Riyasat may appoint for the purpose.
135. An Act made by the Legislature may provide for the exercise of additional functions by the Commission as respects the services of the State and also as respects the services of any local authority or other body corporate constituted by law or of any public institution.
136. The expenses of the Commission including any salaries, allowances and pensions payable to or in respect of the members or the staff of the Commission, shall be charged on the Consolidated Fund of the State.
137. It shall be the duty of the Commission to present annually to the Sadar-i-Riyasat a report as to the work done by the Commission and the Sadar-i-Riyasat on receipt of such report, shall cause a

copy thereof together with a memorandum explaining, as respects the cases, if any, where the advice of the Commission was not accepted the reasons for such non-acceptance to be laid before the Legislature.

Part X
ELECTIONS

138. (1) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, the elections held under Part VI shall, be vested in an Election Commissioner to be appointed by the Sadar-i-Riyasat.
- (2) The Sadar-i-Riyasat, may for such period as he may deem necessary appoint one or more Deputy Election Commissioners to assist the Election Commissioners in the performance of the functions conferred by sub-section (1).
- (3) Subject to the provisions of any law made by the Legislative the Conditions of service of the Election Commissioner and the Deputy Election Commissioner shall be such as the Sadar-i-Riyasat may by order specify.
- (4) The Sadar-i-Riyasat may make acts viable to the Election Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commissioner by sub-section (1).
139. There shall be one general electoral roll for every territorial constituency for election to either House of the Legislature and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.
140. The elections to the Legislative Assembly shall be on the basis of adult suffrage; that is to

say, every person who a permanent resident of the State and who is not less than twenty-one years of age on such date as may be fixed in that behalf by or under any law made by the Legislature and is not otherwise disqualified under this Constitution or any law made by the Legislature on the ground of non-residence unsoundness of mind, crime of corruptor illegal practice, shall be registered as a voter at any such election.

141. Subject to the provisions of this Constitution, the Legislature with from to time by law make provision with respect to all matters relating to or in connection with election to either House of the Legislature including the preparation of electoral rolls, the delimitation of constituencies, appointment of election tribunals and all other matters necessary for securing the due constitution of the two Houses.
142. Notwithstanding anything in this Constitution :
 - (a) the validity of any law relating to the delimitation of territorial constituencies for the purpose of electing members of the Legislative Assembly or the allotment of seats to such constituencies, made or purporting to be made under section 141 shall not be called in question in any court;
 - (b) no election to either House of the Legislature shall be called in question except by an election petition present to such authority and in such manner as may be provided for by or under any law made by the Legislature.

Part XI

MISCELLANEOUS PROVISIONS

143. (1) The *Sadar-i-Riyasat* shall not be answerable to any court for the exercise of performance of the powers and duties of his office or for any act done or purporting to be done by him in

the exercise and performance of those powers and duties.

Provided that nothing in this subsection shall be construed as restricting the right of any person to bring appropriate proceedings against the Government.

- (2) No criminal proceedings whatsoever shall be instituted or continued against the Sadar-i-Riyasat in any court during his term of office.
- (3) No process for the arrest or imprisonment of the Sadar-i-Riyasat shall issue from any court during his term of office.
- (4) No civil proceedings in which relief is claimed against the Sadar-i-Riyasat shall be instituted during his term of office in any court in respect of any act done or purporting to be done by him in his personal capacity, whether before or after he entered upon his office as Sadar-i-Riyasat until the expiration of two months next after notice in writing has been delivered to the Sadar-i-Riyasat or left at his office stating the nature of the proceedings, the cause of action therefor, the name, description and place of residence of the party by whom such proceedings are to be instituted and the relief which he claims.

144. The flag of the State shall be rectangular in shape and red in colour with three equidistant white vertical stripes of equal width next to the saff and a white plough in the middle with the handle facing the stripes.

The ratio of the length of the flag to its width shall be 3 : 2

145. The official language of the State shall be Urdu, but the English language shall, unless the Legislature by law otherwise provides continue to be used for all the official purposes of the State for which it was being used immediately before the commencement of this Constitution.

146. The Sadar-i-Riyasat shall, as soon as may be, after the commencement of the Constitution establish an Academy of Arts, Culture and Language, where opportunities will be afforded for the development of Art and Culture of the State and for the development of Hindi, Urdu and other regional languages of the State specified in the Sixth Schedule.

Part XII

AMENDMENTS OF THE CONSTITUTION

147. An amendment of this constitution may be initiated only by the introduction of a Bill for the purpose in the Legislative Assembly and when the Bill is passed in each House by a majority of not less than two-thirds of the total membership of that House, it shall be presented to the Sadar-i-Riyasat for his assent and, upon such assent being given to the Bill, the Constitution shall stand amended in accordance with the terms of the Bill :

Provided that a Bill providing for the abolition of the Legislative Council may be introduced in the Legislative Assembly and passed by it by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting :

Provided further that no Bill or amendment seeking to make any change in :

- (a) this section
- (b) the provisions of the sections 3 and 5; or
- (c) the provisions of the constitution of India as applicable in relation to the State;

shall be introduced or moved in either house of the Legislature.

6

Political Correspondence

CORRESPONDENCE BETWEEN PREM NATH BAZAZ AND JAWAHARLAL NEHRU

Chondhpora,
Srinagar (Kashmir)
June, 24, 1936.

Pandit Jawaharlal Nehru
Anand Bhawan
Allahabad

Dear Panditji,

Very kindly peruse the eclosed letter sent by me to Mahatmaji two years ago and his reply thereto. I have not been able to understand his reply and though I addressed some more letters to him on the subject no reply has been forthcoming.

It is no consolation to me, a non-Muslim by birth, that Kashmir is one day bound to become a Mussalman State and it is certainly no reply to my query as to what attitude we, Kashmiri Pandits, should adopt in the present struggle that though economic and political in reality, is at present being carried on by Muslims mainly on religious grounds Nor do I think that Mahatmaji is correct in his prediction. In future

India, I believe, Government and administrative units will not be established on religious principles, It will be a class warfare and not a religious struggle that will be carried on for the political emancipation of the toiling masses in India. Though then the majority of the Ministers and others constituting the future Government and administrative machinery in the Kashmir State may be Muslim by religious faith, the State cannot be a Mussalman State.

Since I wrote this letter to Mahatmaji changes have taken place in the Muslim politics. Though communal still in outlook, signs are not wanting that Muslims are trying to follow are adopting the course that has been chalked out by the reactionary band of British Indian Muslim politicians. In the Legislative Assembly all the Kashmir Pandit members sided with the Government in getting the Criminal Law Amendment Bill passed and only recently when "Responsible Government Day" was observed on 8th May 1936 throughout the length and breadth of the State, Kashmir Pandits opposed it, though some other Hindu and Sikh leaders joined the Muslims in this demand. I feel deeply pained at all this but do not know what to do. I firmly believe that the freedom from the shackles of an irresponsible Government is our birthright and we should never rest until we get it. But the majority of Kashmir Pandits have been led to believe that unless safeguards and weightages are assured the cry for responsible Government should be opposed.

Now certain authoritative statements have been issued by the Muslims telling Hindus that they are prepared to give the same safeguards to non-Muslims in this State as the Hindus in British India are willing to grant to Muslims and other minorities. In one of these statements issued more than two years ago Muslims proposed you as the arbitrator in case the different communities could not arrive at any mutual understanding. No definite reply has been given to these statements by Hindus. On the other hand, they have been crying for safeguards and weightages which they have not been able to formulate so far.

I shall feel extremely obliged if you would very kindly let

me know, not in vage terms as Mahatmaji has done, but definitely what attitude I should adopt in view of all this.

Yours sincerely,
Prem Nath Bazaz

Anand Bhavan,
Allahabad
July 7, 1936

Shri Perm Nath Bazaz,
Chondhpora,
Srinagar, (Kashmir)

Dear Prem Nathji,

I regret the delay in answering your letter of the 24th June. I have been very busy and have also been somewhat unwell.

First of all I must thank you for your letter and the long note attached to it. I have read this with great interest. There was nothing very new in what you have written but your survey of the whole situation in Kashmir has been helpful in making me understand it. Naturally I am greatly interested in developments in Kashmir. This is so because of the larger national issue of which Kashmir forms an integral part. It is also due to my personal tie with Kashmir and my attachment to our old homeland. I regret that my preoccupation with the larger issue comes in the way of my giving more time to the immediate questions affecting Kashmir. But although I cannot help in any way directly, I try to follow happenings there. During the last few years I have been largely cut off from public evetns owing to my stay in prision and abroad. Yet, broadly speaking, I have tried to remain in touch.

I am not in a position to give any detailed advice as to what should be done in Kashmir now. That would require a closer knowledge of the present situation than I possess now. But the broad outlines are clear enough and I have no doubt in my mind as to the general policy which the people of Kashmir should adopt. We must try to understand the basic

situation and take a long distance view, and not be overwhelmed by the many petty happenings that seem so big today.

Your own letter and note, I am glad to find, does take into consideration some of these fundamental facts.

It is clear that ultimate fate of Kashmir, as of the other Indian States is bound up with that of India as a whole. So that the larger struggle for Indian independence governs the situation and the more or less local struggle in Kashmir must be viewed in the light of the Indian struggle. I would go a step further and say that Indian freedom itself is connected intimately with world happenings, but for the moment we need not take them to consideration except to throw light on our own struggle.

Viewing this larger struggle in true perspective, we see that the communal problem in India, big as it seems today, is a passing phenomenon. The real issues are national and economic. You see an identical development in other oppressed countries (Egypt, Syria, Palestine etc.) The religious aspect is going into the background and nationalist aspect is becoming far more important, and behind it, and influencing it, is the economic urge of the hungry and unemployed or partly employed masses and lower middle classes.

In Palestine today the Arabs, both Muslim and Christian are jointly struggling for independence. They are always stressing the fact that theirs is a national struggle and not a religious or a communal one. So also is Syria and Egypt. From this point of view thus the communal question in India recedes into the background, important as it is today. All talk Panislam and Pakistan is the veriest nonsense. Every single Islamic country as seen this idea and thinks along nationalistic lines. Panislam cannot obviously flourish in north-west India alone. The whole idea is an absurdity but some publicity is given to it by Anglo-Indian newspapers.

Coming to Kashmir I think there can be little doubt that the basic cause underlying all the disturbances in recent years has been economic distress and unemployment, added to

resentment at the fact that the state services were monopolised by certain groups and classes. There was reason for this resentment but unhappily a strong communal turn was given to the whole movement chiefly by outsiders. During the disturbances the Kashmir Pandits suffered greatly and I was deeply grieved to learn of their sufferings. I can well understand that this experience as well as the feeling that they are surrounded by a hostile majority, should have terrified many of them into a kind of alliance with the State Government. But while I understand this I deplore it, for this is both bad principle and bad policy. The climax of this fatal policy has come when all the Kashmir Pandit members of the Kashmir Assembly sided with the State Government in getting the Criminal Law Amendment Bill passed, as also when most Kashmiri Pandits opposed the celebration of "Responsible Government Day" on May 8th. This policy seems to me not only most degrading but definitely injurious to the interests of Kashmiri Pandits and by adopting it they are ranging themselves against progressive movements which inevitably will grow, and irritating the vast majority of the population of the State. No special weightage or protection on behalf of the State can possibly protect them against a huge hostile majority.

I cannot conceive of religious or communal States or countries in the future. Therefore, I cannot think in terms of Kashmir as a Muslim State, though inevitably the large population of Muslims there will and should dominate the politics of the country. But this should not mean the suppression in any way of the Hindus or of other non-Muslims there. If the communal demand of any group are analysed it will be clear that they affect only a handful of persons and have little to do with the common interests of the people.

The Kashmiri Pandits are small in numbers but they are far better educated and are highly intelligent. In any progressive movement or radical reforms they are bound to play an important part by virtue of their education and intelligence, provided they do not cut themselves adrift from such movement and changes. State protection cannot do anything for such a small minority except to isolate it from the rest and breed ill

will against it. We have in India a very small but highly educated minory, the Parsis. They have made themselves felt wherever they have gone : no special protection could possbly give them this position which they acquired by their own attainments. I am quait clear therefore that the Kashmiri Pandits must revise their present policy and must in future develop political and other contacts with the advanced groups in the country. They should give up their narrow communal outlook and think of their own welfare in terms of the welfare of Kashmir as a whole, that is to say of the great majority of the people of Kashmir. I would advise them not to seek any special protection or weightage or reservation of places in the State service, no special electorates or the like. I understand that the muslims of Kashmir are offering them the same safeguards as the Muslims might get in British India. This will not make very much difference. They will get far more through goodwill and cooperation with the other communities.

In Egypt may years ago the British Government sought to divide the nationalist renks by offering special protection to the Christian Copts. But the Copts were wise and they refused this and preferred to side with the nationalist movement and to rely on their Muslim colleagues of this movement. The result has been that they have played an important part in Egypt and have got far more than they would otherwise have done by bargaining by siding with British imperialism.

I realise fully that the adoption of this policy will be difficult after the Kashmiru Pandits experience of the past few years. Nevertheless, this is the only right policy. I feel also that the time is ripe for this as many of the Muslim leaders in Kashmir are desirous of winning the cooperation of the Hindus.

For the present I am presuming to advise the Hindus regardless of what the reaction of the Muslims might be. It is quite possible that the communal elements amongst the Muslims both in Kashmir and in British India might continue to do mischief. We shall have to face plenty of trouble from all manner of quarters but if we act correctly and far sightedly we are bound to succeed.

I am convinced in my own mind that Kashmir has a bright future. It has great possibilities of industrial development and there is no reason why we should not an end to the mendous poverty of her people by developing its resources. But we must look a little ahead for that and not lose ourselves in the petty squabbles of today. And before we can really go ahead we shall have to make big changes politically and otherwise. Let us all work for these and keep the ultimate goal before us. At present, as you know Kashmir is almsot under the direct rule of the British Government in India.

Kashmir is very dear to me and I only wish that I could be of greater service to the old country. But I often think of it and my warm wishes go out to those who work for freedom and the betterment of the masses there. I this work, I earnestly trust that the Kashmiri Pandits will take a rightful and prominent share.

I have written at some length. I shall be glaid if you will keep me informed of development in Kashmir. Some time back (on June 18) I sent a letter to you and Mr. S. M. Abdullah in reply to joint letter from you too. I do not know if this reached you.

With all good wishes,

Yours sincerely,
Jawaharlal Nehru,

Chondhpora.
Srinagar Kashmir
July 15, 1936

Pandit Jawaharlal Nehru
Anand Bhawan
Allahabad

My dear Panditji,

Many thanks for your letter of the 8th July, the contents of which have relieved me of great distressing thoughts. Not that

what you have me of great distressing thoughts. Not that what you have written in your long letter I did not already believe myself. But the politics of this State in general and that of my own community in particular some times perplexed me so much that I would feel despondent about my aspirations and hopes. Naturally also at times human weakness would overcome me and I would begin to doubt my ways and methods. Overwhelmed by the grief born of constant opposition of the majority of Kashmiri Pandits and the narrow mindedness of certain Mohammedan leaders I would feel supportless and darkness would envelop me. You can therefore imagine the magnitude of my happiness when on reading your letter every word in it resounded the echo in my heart.

The truth is that broadly speaking the politics of the Muslims in this State is the politics of independence, of fight against the shackles of an irresponsible and autocratic form of Government of amelioration of the sad plight of poorest classes living in the land, of struggle against vested interests, against ignorance, against age old social system in society that the so called great have created in their own interests to put the vast majority of the people under subjection. My only sorrow is that all this is being done at present in the name of Islam and the masses are told that they suffer because they are Mussalmans. This, besides making the outlook of the masses extremely communal produces the baneful effect of exploitation of Muslims by their clever and selfish co-religionists.

The politics of Kashmiri Pandits, on the other hand, is the politics of educated unemployment and as one of their chief occupation has been Government service in the past, and as here are absolutely no other avenues of employment in the state, Kashmiri Pandits take up cudgels against everybody who tells them that other communities also should get fair share in the Government services. Not that the whole community lives on Government services. I think not more than two thousand Kashmiri Pandits are so employed but the vocal and influential section among Kashmiri Pandits is comprised of these Government servants. They as well as all those who do not, even after the bitter experience of the past few years, reconcile

themselves to the changed circumstances and still look upon Government service as their only source of employment, uphold the worst type of communalism. They have cut adrift the whole community from taking any part in the national movement.

We have gradually reached a stage where we stand in the position of aliens in our own mother country and look upon all that is going on around us with indifference and even with hostility. As an example I may tell you that it does not perturb us what the land revenue or the customs duty on goods imported or exported are. We would even help the Government directly and indirectly to suppress any agitation that might be started for reducing the land revenue any agitation that might be started for reducing the land revenue assessments though a good portion of the land is in our possession and thousands of our brethren in the villages are cultivators. But if out of half a dozen appointments in an office we do not get some the whole community would be made to believe that doomsday was near. Much of this might be due to the reaction produced by the activity of communal Muslim leaders. But that all this is there nobody can deny. Such being the case Kashmiri Pandits feel that the only solution is to keep Muslims suppressed in order that if they are not politically conscious we can monopolise the Government services.

Speaking frankly, I hate this politics. I am fully conscious of the difficulties of my own community, of our numerical strength, of our weakness in not being able to apply ourselves to other occupations all at once, of the degrading unemployment of our educated young men and of the sufferings of those who fell victim to Muslim communal fanaticism. But I am confident that the remedy is not the suppression of the masses but the advancement of our country as a whole.

Like yourself, I believe Kashmir has bright future and time will come when the potential wealth with which Nature has endowed the Valley will be utilised for the benefit of its inhabitants by a sympathetic responsible Government. If Kashmiri Pandits are wise enough to remain in the forefront of

this struggle for independence, as their education and intelligence entitles them but where unfortunately they are not at present they will not only be compensated for their lost clerkships but they will profit very greatly. In the beginning of the Kashmir movement I worked among Pandits as President of the Sanatan Dharm Youngmen's Association. They fully appreciated my work and as mark of recognition of my services elected me as their representative to sit on the Grievances Enquiry Commission and the Constitutional Reforms Conference which the Government formed soon after the Muslim rising in 1931. But with the publication of the report of that Commission my views shocked Kashmiri Pandits for I agreed to redressing all the legitimate grievances of the Muslims and to giving them a fair share in Government services. This was the beginning of their disillusionment as well as mine. Slowly but surely, I found my way into the politics of the masses and to tell you the truth, but for this communal outlook I find myself in my element now when I work among Muslims as by temperament and nature I love independence and have the greatest desire to work for the downtrodden to whatever faith or creed they belong. Even after knowing about the untold atrocities that were perpetrated by the unruly Muslim hooligans at Vicharnag, Mahrajganj and Mirpur, I do not want to join hands, as most Kashmiri Pandits would like me to do with the British Imperialism or even the irresponsible Hindu Raj to crush the rising spirit of independence among the masses in this country. Goodness alone knows how dearly I have to pay for this. But I do not complain, I do not murmur, because I derive a pleasure and satisfaction in doing this that the greatest riches on earth would not give.

What pains me most is the narrow mindedness of certain Muslim leaders who while talking about independence responsible government and the like, would not hesitate to kick up a row on such petty matters as a very small portion of land or an appointment of non-Muslim clerk or peon in this office or that. In season and out of season, these amiable gentlemen would abuse the whole Pandit community for faults done by individuals and excite the masses in the name of religion.

It appears these fellows would not tolerate the presence of any non-Muslim religious places or non-Muslim employees in the Government service and yet want a Government on the pattern of a full fledged democracy in the world. When such preachers go into the mufassil to preach their gospel of "freedom" it naturally terrifies the insignificant Hindu population there. Why this galls me more than Hindu communalism is that this kind of nonsense renders the association of a non-Muslim with the cause of Muslim masses difficult.

I believe all this is due to the existence of communal organisations and communal electorate here. We have not a single non-communal or national organisation in Kashmir. Muslims and Hindu live in such water-tight compartments that they possess no knowledge of each other's point of view. But in fairness to them I must tell you that there are a few Pandit youngmen like myself who hate the present Pandit politics and there are Muslim leaders whose outlook is nationalistic. In order to organise these elements in both the communities we have started a Youth League with the object of fighting by all legitimate means for the realisation of responsible government and to work for the economic, social and cultural upliftment of the people. The members of the League are expected to have full faith in the equality of all people living in the State and in there being no distinction between young men or young women on the basis of religious beliefs they profess. I expect we can have energetic and sincere workers from both the communities to work as members of this League.

Knowing fully well what preoccupations you have and how much busy you must be now a days I feel sorry to trouble you like this with such long letters. But as both of us are interested in Kashmir politics and the independence movement here as an integral part of that bigger struggle for the emancipation of India, I take this liberty of keeping you fully informed of the development in this country. I also hope that you will allow me to publish this correspondence when and if I feel necessity of doing so.

We were disappointed to get your reply in the negative to the joint letter from Mr. S. M. Abdullah and myself inviting you to this land. We did, however, broadcast your message of greetings to the people of Kashmir as desired.

Thanking you again for your letter and with all good wishes.

Yours sincerely,
Prem Nath Bazaz

Anand Bhavan,
Allahabad,
August 9, 1936

Shri prem Nath Bazaz
Chondhpura
Srinagar (Kashmir)

My dear Prem Nathji,

Your letter of the 15th July came here during my absence in Sind. I returned a few days ago after a long tour.

I appreciate your difficulties. To a greater or lesser extent we have to facee similar difficulties everywhere. But we must stick to principles and try to look at the real problem. Any other course would be short-sighted and wanting in intellectual integrity. It would also be doomed to ultimate failure.

I am glad to learnt that a "Youth League" has been started. I hope this will keep the long view before it and work for the full freedom of all people in the State—

men as well as women. It is fully to imagine that a handful of middle class people will prosper for long if the whole foundation of the State rests on poverty-stricken masses.

You are at liberty to publish our correspondence if you so desire it.

Your sincerely
Jawaharlal Nehru

F/8, Hauz Khas Enclave
New Delhi-16.
June 29, 1962.

Shri Jawaharlal Nehru
Prime Minister
New Delhi

My dear Panditji,

Possibly you know that after a long absence of nearly fifteen years from Kashmir I visited the Valley early this month for three weeks with the purpose of studying the political, economic and social development during the past years. I travelled a good deal and met hundreds of public workers and a larger number of common men and women in Srinagar, in important towns and in few villages in the countryside. I contacted prominent Hindu and Muslim leaders and politicians of different parties and diverse shades of opinion to hear their views on current topics and the problems with which the State is confronted. I interviewed the Cabinet Ministers and other National Conference leaders to have long talks with them. I took opportunity to exchange ideas with traders and shopkeepers on the condition of business in the country. These studies and discussions have brought me to certain happy and not-so-happy conclusions which I want to place before you for your consideration.

There can be no gainsaying the fact that Kashmir has registered progress in various directions after the termination of Dogra rule. First and foremost, it is gratifying to see that literacy is rapidly spreading to the remotest corners of the Valley. The countryside is dotted with primary schools for boys and girls. I found even the illiterate parents anxious to get their children educated. Many middle and high schools have been started mostly of the surrounding villages where boys and girls desirous of learning can conveniently study free of any charge. It is a pleasant sight to see flocks of students dressed in uniforms and beaming with joy going to schools in the morning throughout the Valley.

From the early times in Kashmir history women have waged a heroic struggle to maintain their freedom and resisted the imposition of purdah. It is delightful to find that the Muslim women of the Valley are walking in the footsteps of their forbears and have refused to be influenced by extraneous forces. Whether in the bazars of the city and towns or on the fields in the villages I saw most women, both illiterate and educated, walking and talking vigorously and uninhibited as they do nowhere in this subcontinent.

Many new metalled and kucha roads in addition to the old ones are criss-crossing the entire State. There is no town and hardly any big village which is not connected with the capital by road. A transport system has been established which carries thousands of passengers everyday from one part of the State to the other. What is more, the transport is cheap, efficient and regular. This would have been inconceivable in pre-1947 days.

I found business brisker than ever before. Hundreds of new concerns have cropped up. New markets to accommodate business houses have been built on modern lines. Shops in Srinagar and Mufassil towns are full of consumer and luxury goods which is an indication of the prosperity that the people enjoy.

Never before had I seen such swarms of tourists going through the streets of Srinagar, Pahalgam, Gulmarg and other health resorts as I witnessed this time. In the evenings especially I watched the markets with customers making purchases.

There is some improvement in the insanitary conditions of the older parts of Srinagar and other big towns like Baramulla and Anant Nag. Though the filth and squalor continue to stink, roads have been widened at places and attention is paid to improve the unhygienic surroundings. The new colonies and some of the public buildings that have been constructed are pleasing and impressive. Much more no doubt remains to be done in this direction but the progress already achieved cannot be ignored or minimised.

How far the land and other reforms effected legally and

administratively by the Government have benefitted the peasantry was difficult to assess. There was no unanimity on this point among the people I met. There was considerable divergence in the opinions of the peasants themselves in all parts of the Valley. But considering all matters relevant to this subject and comparing the peasant economy under the Dogra rule with the condition obtaining today, I do not think it would be wrong to judge that there has been a rise in the standard of living and peasants now are better fed and better clothed than previously. They are no longer harassed and only expected to pay rents and taxes to the Government and *rasum* to the State officials. The Government owns a responsibility towards them which it tries to discharge as best it can.

About industrialisation of Kashmir I have to say that it is yet in its infancy. The facts and figures obtainable from official and non-official sources did not convince me that the plants raised in the public sector have yielded any profit; indeed, some people contest that they are a drain on the public exchequer. But many small scale industries established privately with Government subsidy by local entrepreneurs are successfully run and give employment to hundreds of landless peasants in the mufasil and workers in the city.

Although critics frequently assart with cogent reasoning that much more could have been accomplished with the huge finances made available by the Union Government, there is little doubt that Kashmir has, economically speaking, made an advance since 1947 when the big political change occurred in the State administration.

But, despite this change for the better, I found people generally unhappy and restless. I heard virtually every one I met complaining of unprecedented corruption in the administration from top to bottom. Some honourable exceptions are no doubt reported but they are said to be rare and only stressed to prove the rule. It was obviously very difficult for me within the short time at my disposal, to ascertain the veracity of the charge but when I mentioned it to some of the Ministers they did not seriously refute it : even Bakshi Ghulam

Mohammed reluctantly admitted that the corruption had increased in certain spheres adding that in an expanding economy when huge sums had to be spent on public works it could not be helped. He stoutly denied that high ranking officers, particularly police officers, were corrupt. But I have been assured by men whose impartiality and honesty I have no reason to doubt, that under the Maharaja's rule there was much less corruption among officials than it exists at present.

A more serious grievance is about the suppression of free public opinion either through the Press or on the platform. Having been a than twenty years lived in the Valley, I can state without fear of contradiction that the Srinagar Press has deteriorated since 1947. Under the Dogra rule at least a few journals had acquired independence and courage to critically examine the doings of the administration and freely comment on the policies of the Government. Such journals have become non-existent under the present regime. Nor can anybody dare pass remarks, however justified, from a public platform criticising the actions of certain dignitaries especially the Prime Minister of Kashmir. Baskhi Ghulam Mohammed pointed out to me that there were no special laws on the Statute Book which forbade freedom of expression; he could not, he added, create bold and honest journalists or independent critics of the Government. That may be partly correct; but the congenial atmosphere for the growth of free expression of opinions which was present to a considerable extent in pre-1947 days has disappeared. Through violence and use of strong arm by riff raff supporters of the regime that healthy atmosphere has been by degrees smothered making it impossible for intelligent, self-respecting and free-thinking people to ventilate their inner feelings. This is very lamentable to say the least. For, lack of genuine public opinion harms the people no less than it does the Government. In the absence of an independent Press and critical public opinion the officials and non-officials have to depend for news on wild rumours and wilder commentaries on the doings of authorities. Hardly a day passes in the Valley when a rumour or two concerning vital public interests are not spread and believed by the people to be true, at any rate, until

fresh rumours replace them.

As a result of the suppression, people generally feel frustrated and demoralised. Because of the enslavement and more or less tyrannical foreign rule for centuries, the Kashmiris had been compelled to imbibe certain hateful vices of which simulation and lying were the most reprehensible. Fortunately, the revolution of 1931 in the State had effected a healthy social change and the Kashmiri had begun to recover his moral self. As one closely associated with both the communities I had happily witnessed from 1931 to 1947 our compatriots raising their heads and trying to gradually stand erect and manfully face a bully and a tyrant. It was heart-rending to observe that the wholesome process has come to an end and people have indiscreetly gone back to the old unbecoming methods of saving their skin. I believe this is the greatest loss that the Kashmiris have suffered in the new era.

During my long absence, I had heard contradictory reports about the attitude of the State Muslims towards the accession dispute and I wanted to arrive at the truth by personal enquiries in the Valley. It is no exaggeration to say that, by and large, the Kashmir Muslims are pro-Pakistan. This statement might annoy you but it would not be honest to conceal it. Why, in spite of the undoubted economic and social progress under the fostering care of the Indian Government, they are pro-Pakistan needs a thorough investigation.

Kashmir Muslims realise that India has been generous to them and they were never so well off economically in the past as they are today; they also know that their representation in State services has speedily been pushed up despite the vehement protests of the non-Muslims. Though the ultra-communalist elements never tire of impressing upon them that under Pakistan they would have been much better, the politically mature sections are fully aware of the anti-democratic tendencies in Pakistan and the mess that has been made of Azad Kashmir with the concurrence of the Pakistan authorities. It is well-known in the Valley that hundreds of Kashmiris, staunch supporters of Pakistan a few years ago, pine to return to the

Valley in order to escape the poverty and lawlessness in the so-called Azad Kashmiries in the Valley still yearning for the day when the State or at least the Valley accedes to Pakistan. I consider it to be a consequence of desperation.

Normally, the issue of accession carries little interest for the ignorant peasants in the interior of the Valley who form majority of the population; they cannot give any coherent views on the subject. The politically conscious Muslims talk passionately about it and make no attempt to hide their opinion when talking to one in whom they can safely confide.

It was, however, significant to come across many sincere and thoughtful Muslims in Srinagar and other towns with no party affiliations, who stated emphatically that the accession issue would have been forgotten by now in view of the growing prosperity of the country if, firstly the Union Government had kept a vigilant eye on the ways of expenditure of the enormous sums that were given to the State and had created an incorruptible set-up to make the best use of the money. Secondly, they bewailed the unbridled power which the present Kashmir Government enjoyed and wielded despotically to deal with people especially the opponents of the regime. Thirdly, they insisted that the civil liberties of the people should have been respected much more in Kashmir than in the rest of India; when the human and political rights of people are ruthlessly violated by legal and illegal means, the fair critics add, the Kashmir Muslim looks towards Pakistan as a remedy for the cure of his ills or to heal his wounds.

The Muslims alone are not frustrated and sullen; it was surprising to learn that the Pandit community is also resentful and every individual member of the community I met accused Bakshi Ghulam Mohammed for his partiality, unfairness and, worse still for spreading communal virus. It is notable that not a few among the Pandits ruefully recalled the days of Sheikh Abdullah's regime when, they said, better justice was administered and the policy of non-interference in departmental work was pursued. One constantly talked-of complaint of the disgruntled Pandits is, as of yore that they do not get ample share in State

services and other profit-giving works in the gift of the Government. When I mentioned this to Bakshi Sahib he gave me a copy of a statement containing facts and figures to prove that the Pandits are getting much more than their numbers entitle them to have. This I believe, is not far from the truth. It can be ascertained that Pandits were never so well represented, so far as State service are concerned, as they are today. The National Conference Government has been liberal to them.

Attempting to understand the real mind of the Pandits, I observed that what they in fact dislike is the speedy growth of Muslim representation in the State services; the Pandits fail to realize that this is inevitable in the changed national and international circumstances. I have been one of those non-Muslims who always believed since the first outbreak of political disturbances in 1931, that for the smooth, peaceful and healthy development of State politics a larger number of Muslims should be recruited in the services. It is, therefore, gratifying to note that this end is being progressively achieved though the methods often employed are not above reproach.

The genuine grievance of the Kashmiri Pandits is occasioned, in my opinion, by the absence of rule of law in different spheres of administration. This grievance however is not confined to Pandits and is commonly voiced by all classes and sections of the people in the Valley and I presume, in all parts of the State. The share that is allotted to the Pandits in the services and indeed, in any branch of public works does not go by merit but by jobbery. The undeserved supporters of the ruling party come first and unqualified kinsmen or friends of the influential National Conference leaders come next. The man or woman with merit is elbowed out. This causes much heart-burning.

One problem worrying the poorer classes of the people and disconcerting to the Government is the ever-rising prices of the essential commodities of life. Kashmir was famed for the abundance and cheapness of fruits, vegetables, milk and even food grains. Those days are past let us hope not for ever. Thanks to the special subsidy granted by the Centre to

put down the price of rice the Kashmiris can still have their staple diet at a reasonable price. But other necessities of life are available at higher prices than we get them in Delhi. Fresh milk is a rare commodity; imagine the Kashmiris forced to consume tinned dry stuff in place of cows fragrant milk.

It would appear that certain laws, rules and regulations in Kashmir are made for breach and not for observance. Scores of cases were brought to my notice when individuals were peremptorily deprived of their rights at the behests of the men in power.

Bakshi Suhib is reported to be the worst sinner in his respect. He is the final authority and he frequently behaves as if he is a law unto himself. There is an expression often used by the Kashmiris; "Bakshi Sabib Ki Mehrbani" which means that if laws and rules do not help in the achievement of one's purpose a word from Bakshi Sahib can. The intensity of ill-feeling caused can be guessed when it is known that there is no level at which Bakshi Sahib does not interfere. Appointment of even lowest paid officials and admission into colleges and technical institutes are made under his direction and with his approval.

Because of the frustration demoralisation and resentment stated above, the people as a whole did not appear to me to be happy. I found most of them restless. In these circumstances the Pakistan propaganda and the debates in the Security Council carry sufficient weight and make the Kashmiris uncertain about their future.

Although on whole the people continue to live in friendship and maintain the traditional communal harmony and concord especially in the countryside, I was sorry to note that in certain sections of educated Hindus and Muslims in the city and towns aggressive communalism is raising its vicious head to the dismay of the advocates of secularism and the builders of democratic set-up.

On the fundamental issues facing the country I found the members of the State Government divided. The decisions of the Cabinet do not carry the unanimous support of all. The

choking atmosphere in the Valley is intensely disliked by some while others are complacent about the state of affairs as it exists. For one reason or another every Minister is ill at ease in his seat of power.

It is unsurprising that many people should look increasingly towards Sheikh Abdullah for deliverance. Long incarceration would have in any case earned him some of old popularity. But the short comings of the present Government have compelled the people to remember him with respect. He is no longer unpopular even among some sections of the Hindus and the Sikhs. People seem to have almost forgotten his faults and foibles and the blunders he committed during the days of power. To the Muslims he has again become a symbol of national independence.

In my talks with hundreds of politically conscious workers, I have formed an impression that if an understanding is arrived at with Sheikh Abdullah much of the tension in the Valley will abate the accession issue will cease to have the significance and importance it has at present.

I do not know how far Sheikh Abdullah is prepared to adapt himself to the changed conditions. But knowing him, as I do, I believe he is often pre-eminently reasonable and quite receptive to sane advice; only he should not be rubbed on the wrong side by those who approach him for an honourable settlement.

Some known and reliable supporters of Sheikh Abdullah who are regarded as his close confidants told me that for some time he had been reconsidering his position and that if a sympathetic approach is made to him by a friendly person there is good reason to believe that he will be prepared to enter into an understanding with the Union Government which may be honourable to all concerned. Let me hasten to add that my informants are, as I am, strongly of the view that ultimately the future of Kashmir shall have to be forged by the people themselves. We do not at all propose to surrender the right of self-determination of the Kashmiris but we believe it shall have to be exercised in a different setting without

creating any ill will or disturbing the peace of the subcontinent. We believe the freely expressed will of the people alone can bring an abiding solution of the Kashmir problem. To this, I think, no democrat will have any objection. Making this principle as a firm basis of an understanding it is not impossible to utilise the services of Sheikh Abdullah for building of a democratic social structure in Kashmir.

In this connection I was agreeably surprised to note that if an understanding with Sheikh Abdullah becomes possible even such fanatic pro-Pakistan elements as led by Mr. Ghulam Mohi-ud-din Kara, President Kashmir Political Conference, may be amenable to reason and contribute their assistance to the solution of the Kashmir problem acceptable to India.

In my talks with Mr. G. M. Sadiq, Education Minister, it was suggested to me by him that I should meet Sheikh Abdullah and try to arrive at such an agreement. Mr. Sadiq recalled the days when both of us successfully persuaded Sheikh Abdullah to convert the Muslim Conference into the National Conference. One other members of the Cabinet too supported this move. Though I have not met Sheikh Sahib for a pretty long time and have had various differences with him while he was in office, I was prepared to undertake the mission. Bakshi Sahib was, however, reluctant to grant me the required permission to meet Sheikh Abdullah and the idea had to be dropped, at any rate for the time being.

It is my considered view that so long as Sheikh Abdullah is behind the bars political conditions in Kashmir cannot return to normal, the Pakistan slogan will continue to have an appeal and the element of instability in life cannot be eliminated.

Summarising my findings finally I might say that the situation in Kashmir is fraught with grave consequences but is not beyond the power of wise statesmanship to control it.

Since you are making another trip to Srinagar during the next few days I thought of sending you this brief report for your perusal and consideration.

If you need it I can make personally or in writing a fuller report of what I saw in the valley during the days of my visit. With respects.

Your sincerely,
Prem Nath Bazaz

Pahalgam (Kashmir)
July 6, 1962

Shri Prem Nath Bazaz,
F/8, Hauz Khas Enclave
New Delhi-16

Dear Shri Bazaz,

I have received your letter of the 29th June giving your impressions of a visit to Kashmir. I have read your long letter with interest.

Your sincerely,
Jawaharlal Nehru.

F/8, Hauz Khas Enclave
New Delhi-16
July 18, 1962.

Pandit Jawaharlal Nehru
Prime Minister
New Delhi

My dear Panditji,

I have to thank you for your letter of the 6th instant and am glad to learn that you read my long letter containing impressions of my Kashmir tour with interest. I do not know whether you have had leisure to consider the points raised by me and if you contemplate taking any action to remove the genuine grievances of the Kashmir people; but as I deem it essential for the building of a democratic structure in the State

that the measures are adopted to end frustration and demoralisation which have, in my opinion, overwhelmed the people I take once again the liberty of addressing a letter to you.

That the Kashmir Government is earnest in its endeavours to improve the wretched condition of the poverty-stricken and backward classes and to reconstruct the economic and social life of the people on the whole, only those can doubt whose minds are closed. I confess my views have undergone a change in certain respects after my recent visit to the Valley. No impartial critic can deny that in its efforts the Government has already achieved an appreciable success. At the same time, however, it cannot escape the eye of a keen observer that in implementing the plans of development the Government is not receiving full co-operation of the people and therefore the results are not commensurate with the endeavours made or the money spent on the welfare projects.

I do not hesitate to admit that it is easy to blame the authorities, as is being commonly done in Kashmir, for their sins of omission and commission; it is easier still to find fault with everything that the Government does. But no fair-minded person can help feeling that the Kashmir Government is functioning under serious handicaps mostly psychological in nature, and its policies and actions can justly be judged only by keeping this fact constantly in view.

Wherever I went in the Valley I found that despite the seeming tranquillity people are passing through a period of nerve-racking tension and vague uncertainty which appears to have become interminable with the result that normalcy in the real sense does not return and no smooth working is possible in different spheres of social life; there is little likelihood of national institutions being fostered and grown in the country so long as the present conditions last.

The main cause of vexation alike for the Government and the people is the unresolved accession issue. On the surface it seems to be a past story as some of the ruling party men publicly assert and want the world to believe, but I discovered to my dismay during the course of my close study that there is

hardly a person in the State at any rate among the politically conscious sections, who is not perturbed by its existence. Despite what wishful thinkers may say the State politics is dominated by this question and there is no aspect of life in Kashmir which is not affected by it. It would be courting self-deception to conceal this fact and dangerous to run away from it.

I do not want to dwell at length upon the many-sided evil which the prolongation of the accession issue produces; it will make this letter too long. Suffice it to say that the mutual suspicions which are a marked characteristic of life in Kashmir are an unwholesome outcome of the issue. If the Hindus distrust the Muslims and vice versa, it is because of it; if the Kashmiris consider themselves as something different from the Indians the reason is the unsolved accession dispute; and if the Government is compelled to curtail civil liberties and resort to repressive methods in dealing with the opponents the reason is to be sought nowhere else but in the dispute, Bakshi Ghulam Mohammed's insistence on maintaining the separate identity of Kashmir despite his undoubted desire for national integration may be easily traced to it. As a matter of fact, the accession dispute is proving a bane of progress in the State.

It is therefore difficult to believe that there can be any real advance in Kashmir until somehow or other the accession dispute is ended or otherwise dealt with.

Unfortunately it is becoming increasingly clear that the Security Council has failed to produce any formula acceptable to India and Pakistan which could settle the issue. No does it appear to be feasible that direct negotiations or talks between the two countries can bring forth any better result because both the parties have adopted positions mutually exclusive with no common ground on which to base an agreement.

Pondering over this situation while in Kashmir, I arrived at the conclusion that the issue can be disposed of, at all, by the Kashmiris themselves. My discussions and studies in the Valley have confirmed me in this finding. I have already told you that the Kashmiris realise that they are making steady progress

economically. But they feel sore primarily on account of the loss of fundamental rights and civil liberties and the prevalence of hooligan element in public life. The suffocating political atmosphere in the country is making them desperate. If this by no-means an unforunded grievance could be redressed I think it would not be long before normalcy could be restored and people made happy and co-operative in their attitude.

Now I must frankly State that the Kashmir Government is in no mood to accede to the wishes of the people in this respect; at least some of the more powerful members in the State Cabinet believe that doing so would afford latitude to the hostile elements to indulge in subversive activities thereby endangering the security of the State and stability of the country. This policy has therefore been tenaciously pursued for the past fifteen years and the day does not seem near when it may be changed. It is not realized that through the enforcement of this policy the Government is progressively alienating the sympathies of the people and generating tremendous ill-will against India though outwardly it may appear that there is general satisfaction and nothing to worry about.

Every Indian patriot ardently desires the accession issue to be shelved and forgotten especially by the Kashmir. The State people can be expected to forget it only when they are satisfied with doings of the present regime and are reasonably happy. So far as the economic and social life of the Kashmir is concerned I have no doubt they are grateful to India for the little progress they have made; they hope to be more prosperous in near future; but political persecution and suppression of free opinion coupled with harassment by goonda elements is besides making them sullen and resentful, neutralising the good effects of the benevolent deeds of the Union Government. Whenever a talk of economic welfare plans follows political polemics even many sensible Kashmiris would stridently deny that there has been any improvement in the wretched condition of the masses. The wounds inflicted by the repressive policy remind the Kashmiris that their future is yet unsettled and they begin hopefully to look towards

Pakistan. Thus the purpose of the policy of suppression is defeated and instead of putting unfriendly elements under check and control, the Government is only strengthening hostility and subversion in the State. Far from being forgotten the accession issue remains fresh in the minds of the people creating tension, uncertainty and unhappiness.

Thus by adopting and doggedly pursuing this policy we are caught in a vicious circle.

As is well-known Kashmir has produced intellectual stalwarts is bygone days. One of our great aspirations has been to resurrect cultural atmosphere enabling local artists to freely indulge in acts of creativity. But frightened people cannot be mentally alert or intellectually fertile. It is not surprising that since 1947 the Kashmir have contributed almost nothing to any branch of literature which may be considered original or outstanding. Kashmiri has been graciously recognised as one of the national languages in the Indian Constitution but has the extra-ordinary grant of the hounoured place improved its literary importance in any way ? Kashmir, the ancient seat of learning, is still passing through the deep shadows of medieval darkness when despots enchainning the souls of the people snapped their links with the cultural past.

The main objective of the national struggle in Kashmir has been the establishment of a democratic setup through which people can expect social justice and cultural development which was denied to them for centuries. We are little interested in the issue of affiliation of our homeland to this or that country. History has thrust the accession dispute on us against our will and we intensely desire to get rid of it as early as we can.

I fully understand that the problem is ticklish and the situation in the Valley extremely delicate. It is easy to sermonise and gratuitously offer advice to the Government which is functioning under obvious handicaps. But if we are determined that Kashmir should march hand in hand with the rest of the country in building a democratic society, the vicious circle shall have to be broken courage has to be taken in both

hands to face the grave situation and remedy it.

For fifteen years a certain definitive policy has been unswervingly pursued in the hope that the accession issue if not solved will go to the background, normalcy will return and civil liberties of the people restored. More than a score arbitrary laws (Enemy Agents Act, Security Act, Preventive Detention Act etc.) Rules and Notification peculiar to Kashmir and operating nowhere else in India, have been in force during this period arming the executive with unlimited powers to indiscriminately torture people and make them loyal to India. As has happened at all times and in all place governed by such draconian measures innocent people have suffered along with the suspects, the former in a much larger number. Fifteen years is quite a long period to give a trial to a government policy. It is significant that not a single repressive enactment professedly promulgated to meet a national emergency has been withdrawn or amended to soften its rigours. In fact, fresh rules and orders are added every year to the old ones to fortify the policy. Only the other day (on July 5) a notification was issued declaring that the "Kashmir Government servants who are reasonably suspected to be engaged in subversive activities or associated with those engaged in subversive activities will be compulsorily retired from Government service." Nevertheless, it is an eloquent testimony that the repressed classes and the co-operation of the people. If any one thinks that the time for liberalisation of the policy will come when Pakistan is out of the way, permit me to point out that in that case we shall have to wait till the Greek Calends.

I submit that it is time this barren policy is abandoned and the alternative of a liberal policy is given a trial. Let the Union Government be as generous and large hearted politically as it has been in the economic fields. I have no doubt in my mind that the change will produce better results. How this can be done is another matter and if you desire me to submit suggestions and proposals for the purpose I can surely do so.

Whilst on the subject of civil liberties, I would like to

reiterate my suggestion about an understanding with Sheikh Abdullah. If it is true that he has been reconsidering the political situation in the State and there is a possibility of an agreement with him which may be honourable for all concerned and in no way anti-democratic, the opportunity should not be lost. In any case, there is no harm in permitting some suitable person to make an approach and find out the truth. If Sheikh Sahib remains irreconcilable and impervious to reason, which I hope he will not be the matter will rest where it is. But I have sufficient and substantial reasons to believe that in the changed circumstances he will not fail his people and will willingly offer his talents and labours for building a free democratic order in his homeland.

Restoration of civil liberties and free expression of opinion is, no doubt, of primary importance in gaining voluntary support of the people but other matters of lesser importance, lesser only by comparison, cannot be overlooked. In conducting the affairs of the State at all levels, Rule of Law should have supremacy without which even the elementary stages of democratic life are not possible to establish. Not only should the members of the Government dignitaries of the ruling party and high officials of the State without exception be compelled to strictly follow the laws, rules and regulations in force, but the strong arm methods employed by unruly elements among the supporters of the National Conference with the connivance of their bosses should also be ruthlessly put down.

There is a general belief that elections in the State are rigged and the supervision of the Indian Election Commissioner has made no difference. When I was in Srinagar the means adopted by the ruling party to win a bye-election had assumed the proportions of a scandal. This impression needs to be removed.

With the mollification of the State people in general and all important elements in Kashmir politics in particular, I think the accession issue will cease to overwhelm the common mind and may be considered to have been virtually disposed of.

Indubitably, interested quarters will not give up their stand;

nor can we shut up all mouths; some will continue to raise the known slogans. But when the preponderant majority of Kashmiris is happy and satisfied with nothing important to complain about they will not be receptive to false cries, and appeals to keep the accession issue alive will fall on deaf ears.

While discussing the question of denial of civil liberties with Bakshi Ghulam Mohammed at his residence in Srinagar, he vehemently held that in no case would he tolerate any one in the State who supported accession of Kashmir with Pakistan. For such people, he added, there would be no liberty, they would be crushed. I rejoined politely that no democrat could relish this attitude of the head of the government. Rather than threaten any individual with the forfeiture of his liberty, the better course would be to create such conditions in the State that pro-Pakistan elements will find little response to their subversive slogans and people will voluntarily refuse to hear them. Badshi Sahib ridiculed this view and contemptuously retorted that it was an utopian aim impossible to attain. Nevertheless, I believe that after the failure of the repressive policy this course alone is indicated by wise statesmanship and I implore you to give it a trial.

In Kashmir as outside the State I met many honest and intelligent people shaking their heads in utter disbelief that the State Muslims would ever convictionally support India even after the reorientation of the Government policy on liberal lines. It is commonly held by the sceptics that the Muslims, guided by religious consideration will under any circumstance desire Kashmir to accede to Pakistan. There is sufficient force in this argument and I do not want to underrate it. But depending on a past experience, I can confidently say that if proper measures are adopted for the achievement of the noble aim of influencing Muslim opinion in the right direction it is not impossible to do so.

Thirty years ago, we launched upon a similar adventure in Kashmir in July 1932 when we decided to secularise the State politics which had then come heavily under communal influences.

No one excepting Sheikh Abdullah and myself, guessed the Muslim Conference could be converted into a non-communal organisation. Do you remember that letter which both of us sent to you jointly in June 1936 informing you about our intentions and the difficulties we faced in pushing through our plans. You were the first distinguished public man to lend your robust support to the move and bless it. Ironically, Bakshi Ghulam Mohammed declared the idea as impractical and opposed it as harmful for the discussion before the working committee of the Muslim Conference. Of course he is now the staunch standated-bearer of Nationalism and cannot brook communalism, much less Muslim Communalism, in the State.

Seven years patient and persistent labour ultimately bore fruit and on 10th June 1939 the Muslim Conference yielded to the call of Democracy when 173 delegates participating in the deliberations of the special session of the Conference voted the conversioin of the organisation into a national body; barely 3 votes were recorded against the proposal.

I daresay we are confronted with a similar situation today. Relying on the experience gained by this unprecedented historical event let the Government of India shed the distrust of Kashmir Muslims and try to win them by liberalism when repression has proved unavailing and futile if not destructive and ruinous.

It would be the unique triumph of Democracy when communalists are given fullest freedom to peacefully propagate their views but they find themselves completely ineffective. With fullest freedom of expression restored, we shall have laid secuely and well the foundations of Domocracy in Kashmir. My proposals, it will be seen are directed towards the fulfilment of that objective.

I have mentioned the other grievances of the people in the Valley in my last letter and i need not lay any stress on them here; for, though important in themselves, they lose weight in comparison with the grave issue of the fundamental rights. Besides, i think they ae mostly born of the unsettled

dispute about accession.

With the liberalisation of the Government policy as envisaged above, I am very hopeful that the Kashmiris will offer unstinted co-operation for the implementation of the big economic projects and the money granted by the Centre will be most usefully spent. What is more, the shrivelled soul of the people will be liberated and enormous intellectual and spiritual forces released for the promotion of cultural renaissance which is our greatest need.

With respect,

Yours sincerely,
Prem Nath Bazaz

Anand Bhavan
Allahabad
July 26, 1962.

Shri Prem Nath Bazaz
F/8 Hauz Khas Enclave
New Delhi-16

Dear Prem Nathji,

I have your letter of July 18 which I have read with interest and care. It is a little difficult for me to send you a full answer as it would mean writing out at considerable length.

But I can assure you that I am very largely in agreement with you about civil and freedom of expression. I may however, point out to you that even in the most advanced countries in the world where a State is in peril, such as in war time, freedom of expression is limited. In the United States of America in many ways, even now, freedom of activity and expression is limited insofar as Communists are concerned. In fact, in a democracy there is a strong demand for action to be taken against communalists and communal organisations, also against the DMK in the South. I have resisted it but

realise that occasions may arise when some such action may have to be taken. Much depends on the growth of liberal ideas in the country and the general atmosphere that prevails. Repeatedly we have seen liberal ideas being suppressed because they were considered dangerous for the state; but my inclination is towards giving the largest measure of freedom.

You wrote to me about the accession of the State being not complete. I do not quite understand this. It is complete. It is true, however that a measure of autonomy is given to the Jammu and Kashmir Assembly in regard to a few matters unlike the other States. This does not limit the accession in any way. It is the result of historical circumstances. As a matter of fact, during the last few years much advance has been made in this matter. The Supreme Court, Elections, the Auditor General etc. function in the State as in other States. The whole trend, therefore, is to bring the Jammu and Kashmir State nearer to the rest of India. What remains are relatively unimportant matters and gradually they are lessening.

While accession is complete, it is true that Pakistan is there to create trouble which it continues to do in a variety of ways. There is hardly a day when intruders from Pakistan do not indulge in some bomb outrage or other. The speeches delivered from Pakistan go on referring to jehad and war. All this does create a certain abnormal atmosphere.

The real problem of Kashmir is whether it continues as a secular state as the rest of India also has got such firm foundation as I would like to have. Anything happening in Kashmir will undoubtedly affect the rest of India with its Muslim population.

I hope you do not mind my sending your letter to me to Bakshi Ghulam Mohammed.

Yours sincerely,
Jawaharlal Nehru

F/8, Hauz Khas Enclave
New Delhi-16
August 4, 1962

Pandit Jawaharlal Nehru
Prime Minister
New Delhi

My dear Panditji,

I have to thank you for your letter of 26th July and am glad to learn that you are very largely in agreement with me about civil liberties and freedom of expression. I should have felt happier if you would have given some indication as to how the fundamental rights of the Kashmiris of which they have been mostly deprived for the past fifteen years, can be restored. In this respect you have maintained a studious silence which is rather disheartening though I can well appreciate your reluctance to enter into any controversy on the subject. But as I have been at pains to explain, the real integration of Kashmir with India depends on the restoration of these rights. I earnestly expected you will kindly consider my suggestions regarding a change in the administrative policy of Kashmir to make it liberal and tolerant of dissent.

However, by stressing that "the real problems in Kashmir is whether it continues as secular state" you have put the vexing issue in its proper perspective. This question faces every lover of freedom in the Valley. Communalism is the antithesis of democracy and, therefore, it has to be fought and destroyed root and branch in whatever shape or form it presents itself. I have held this view for more than thirty-five years in the past. During the early thirties soon after the freedom struggle was born in Kashmir our sky remained for a period overcast with dark clouds of communalism which vitiated public life and caused mutual distrust, bitterness and turmoil. Happily however, we successfully resisted the evil forces and with the conversion of the Muslim Conference into the National Conference the State politics was formally secularised. I say "formally" because even after establishment

of the popular non-communal organisation, the task of making the people understand the high ideal of secularism and how closely it is related to democracy and freedom was yet to be accomplished, the real secularisation which comes by a thorough knowledge of the nature of human values remained to be achieved. Unfortunately this aim has eluded our grasp even to this day. Your reminder is therefore apt and timely.

There is a substantial volume of goodwill for India in all classes of the Kashmiris including the Muslims. The Kashmiris recognise that they benefited by the several badly needed and long felt reforms which were speedily introduced in teeth of stiff opposition from the reactionaries by the present Government with the willing approval of the Union Government. Not only are the Kashmiris grateful for the tremendous efforts that are being made to reconstruct their economy by investment of huge sums and the special attention that is given to the State; they also do not fail to note how heroically the Indian Government is holding the fort of democracy when liberal institutions have been engulfed by the rising tide of militarism in many Asian countries, particularly those nearer home. That India has freely adopted a democratic constitution more than a decade ago and is now quietly bending her energies to make it a success endears her to the Kashmir people. Like in other places outside Kashmir, many young men and women in the Valley have been influenced by the inspiring ideals and liberating ideas expounded in your writings. Such people notwithstanding the foolish deeds of the National Conference leaders, still retain faith in your sense of justice and statemanship.

Believing that the most important problem confronting us in Kashmir is whether the State will continue to remain secular we may enquire if proper steps are being taken to make the people secular-minded. I am sure you will be the last person to say that Kashmir can remain secular without the people having any faith in the principle of secularism. Yet the fact is that the National Conference leaders are more anxious to preserve the form of the secular state and care little to improve

its content. Indeed their doings have made people less secular-oriented than they were in pre-1947 days. From what I observed during the course of my extensive tour in the Valley I painfully observed that Muslims were in fact losing the little faith in secularism which they had previously imbibed. They are ridiculing the idea and identifying it with the repression, persecution and hooliganism. There is sufficient justification in saying that secularism in Kashmir today is superficial; it has no solid basis to stand upon. Under the least pressure from any side it is bound to crumble bringing disaster in its train.

The unwise handling of the political situation since 1947 is, in my opinion, mainly responsible for undermining the foundations of secularism in Kashmir. Nowhere have the sympathies of the ruled been won by the rulers through the employment of harsh measures. You know better that History, past and present, is replete with instances that minds and hearts of men have never changed through coercion. What is going on in Pakistan is a fresh lesson. Suppression by martial law for four long and gruelling years has in no way improved the thinking of the people in that country as the army men expected and claimed; it has only induced the Pakistanis to adhere more closely to their old frequently denounced political beliefs. No wonder a similar process is taking place in Kashmir. The repressive policy is destroying our cherished dreams and demolishing the high hopes we have raised for years of building a secular state there.

The policy was bad both in its conception and execution from the start. Having preyed upon thousands of the Kashmiri for six years it claimed in 1953 as its victim some of its sponsors like Sheikh Abdullah, Mirza Afzal Beg and others. No freedom lover could ever have supported this policy. But I might concede that in the beginning when the subcontinent was partitioned and holocausts were witnessed in both parts, freedom had to be limited and extra-ordinary powers pressed into service to maintain law and order. But such emergency measures should always be of temporary nature to be withdrawn at the earliest opportunity; they cannot and should not be borne on the Statute Book permanently. Fifteen years have

gone by and it is repeatedly announced that normalcy has returned is obrogated or amended. In fact, fresh arbitrary powers are being assumed by the Kashmir authorities to deal with the suspected opponents of the regime.

You have referred to the communalists and the DMK in your letter and reminded me that "in India at present there is a strong demand for action to be taken against communalists and communal organisations also against DMK in the South." You add that you have resisted the demand so far but you realise "that occasions may arise when soem such action may have to be taken." Unfortunately it is true that "liberal ideas have been suppressed because they were considered dangerous for the State" and it is a great consolation that despite undesirable activities of communalists and separatists your "inclination is towards giving the largest measure of freedom."

Among the newly liberated nations of Afro-Asia region it is great good fortune of India that she has been able to grant and jealously guard the fundamental rights of her people and build a democratic structure. The structure is not perfect and has several defects but India excels her neighbours in having successfully held aloft the banner of Parliamentary democracy even when one after another many Asian countries failed to protect constitutional government. India stands like a beaconlight in a stormy ocean at night. I dislike communalism and have no sympathy with the separatist tendencies of DMK but I detest views being smothered merely because they are unpalatable. Of course when a party or a person launches upon a violent campaign to practise ideas it is a different matter. Nevertheless it will be an evil day indeed when you will be compelled to adopt measures for the curtailment of liberties of groups or parties whose ideas are considered harmful. Sinister and flagitious ideas have to be vanquished not by rod but by noble ideas and large hearted treatment. I am firmly of the opinion that instead of suppressing bodies whatever their aims it is advisable to find out why they are able to attract large or small sections of people towards them. If the genuine grievances of the misguided populace are redressed the slogans of mischief-mongers are rendered

ineffective and their appeals bring forth little response. It is not fully realised how your liberal attitude towards your opponents is making the Kashmir respect India and its political philosophy.

I have re-read my previous letter to you and see that nowhere in it have I stated that the accession of the State is incomplete. Where I referred indirectly to the accession was when I said that Bakshi Ghulam Mohammed's insistence on maintaining the separate identity of Kashmir despite his undoubted desire for national integration may be easily traced to it (the accession issue). I appreciated Bakshi Sahib's insistence and reluctance to get the Article 370 (granting special status to Kashmir) in the Indian Constitution deleted because any prudent person in his position would do the same. The main reason for Sheikh Abdullah's political somersault in 1953 was, I believe, that he failed to cope with the rising pro-Pakistan Muslim opinion. As long as the pull of accession continues to exist in the Valley, no Muslim leader with desire for popularity can afford to support total absorption of Kashmir in India.

There is an impression in Kashmir that for whatever the National Conference leaders do, it carries your seal of approval. It is a common complaint that whenever you pay a visit to the Valley you publish lend your fullest support to the Government and the National Conference. You never utter a word to mollify the victimised sections however genuine their greivances may be I heard honest and sincere people going to the length of asserting that you are deliberately conniving at the hooligansim for which certain National Conference elements have earned notoriety. I know this is an entirely mistaken belief. But no argument to disburse their minds of it carries weight with the victims. Apart from being unfair to you it is damaging to the fair name of India is causing dissipation of the goodwill referred to above. What the Kashmiris repeatedly ask is why cannot India afford to give even as much freedom of expression and civil liberties as are enjoyed by the people in the rest of the country; why cannot the general elections be held in Kashmir as freely as in other States? I must candidly admit that there is no satisfactory answer to this question.

I fully realise and so do many sensible public workers belonging to several opposition parties in Kashmir that it is not feasible to effect a total change in the present set-up nor is it advisable to overhaul the administration all at once. Sudden and complete reversal of the policy will be accompanied by grave risks which may defeat the very purpose for which the changes are sought to be made. But it is essential that a start should be made in gradually liberalising the policy by abrogating or amending the laws which have abridged the liberty of the individual or armed the executive with wide powers. Moreover, the malpractices mentioned in my previous letter should be totally stopped. What is more, the people should know that the old coercive methods are being replaced by a new enlightened policy which will assume vaster proportions as the people display their capacity for using the liberties properly. But in any case there should be a basic and qualitative change in the approach of the Government in regard to the fundamental rights of the people.

I have no doubt that Bakshi Ghulam Mohammed and most of his colleagues in the Government and the National Conference sincerely hold that the path chosen by them will ultimately lead Kashmir to democracy; but I am equally certain that their policy is helping none but those who are bent upon destroying secularism in the State and thereby ending all chances of building democracy. The communalists thrive on the discontent of the people they take the fullest advantage of the widespread resentment and frustration to further their nefarious plans.

In my discussions with several members of the Kashmir Cabinet I found that some of them realize that the present approach has failed to produce good results and they appeared to me be inclined to reconsider the matter in the light of the experience gained by them during the past 15 years. But the majority of the members are deadest against any change. It would appear that those who start, for any reason, reasoning to marshal's baton for maintaining political authority soon become fond of it and end by feeling helpless in its absence. It is dismaying to note that the leaders of the National Conference

cannot realize that by pursuing the wrong policy they are fast losing the credit they had earned through the good work done in the economic educational and social fields.

The members of the Kashmir Government, it is painful to observe, are caught in a web woven by themselves. For the establishment of secularism and advancement of democracy they have to be disentangled. Who but you can liberate them by wise guidance and friendly advice when they have become incapable of seeing the light.

I know Kashmir is not yet out of woods. I do not deny that mischievous, unpatriotic and anti-democratic elements exist in the country which are on the lookout for an opportunity to subvert the State and create chaos, disorder and anarchy. I am also aware of the fact, as pointed out by you, that even in advanced countries when state is in peril, as in war time, freedom of expression is limited. Technically, Kashmir is in a state of cease-fire and hostilities have not fully ended yet. Nevertheless, I think there are other important considerations which should weigh with us when dealing with the Kashmir issue.

To make Kashmir's accession to India everlasting it is essential that the Kashmiris should feel convinced that economically as well as politically they will enjoy every freedom by remaining a part of the great Indian Nation at any rate to the extent as provided in the Constitution for the rest of India. As far as economy is concerned let me reiterate at the risk of being repetitious, that they are convinced that their future is bright and they can reasonably expect increasing prosperity in the future through this association. But about politics they hold quite the contrary views with the result that even goodwill mentioned above is being slowly frittered away. This is very regrettable to say the least and should be a cause for deep concern.

Much ground has been lost during the last few years by remaining complacent and reposing almost fatalistic trust in the seeming tranquillity in the Valley which I daresay is dangerously deceptive. It is already very late to do the right

thing. No doubt risks are involved in making a new approach. But since the policy incessantly pursued till now has failed to achieve the desired objective, wisdom consists in giving a chance to the only other alternative we have. When all is said and done it is delightful to find that the heart of Kashmir is still sound. But the sands are running out and before long when India wakes up as it must someday in the near future if not today, it may be too late. No liberalisation of policy may be able to repair the damage that would have been done to the friendly relations between India and Kashmir till then. So I beseech you that some measures may be adopted to rectify the situation here and now. If secularism fails in Kashmir it will not only prove ruinous to the cause of Democracy in that State, the future of secularism in India will also be imperilled as you have rightly remarked.

The goodwill for India and the faith in your sense of justice and more powerful forces to keep alight a bit of secular spirit in Kashmir today than the might of the Indian armies, the fear of the Kashmir Government and the lathis of the National Conference ruffians. Let us not waste these two valuable assets.

I see no objection in your sending my letters to Bakshi Ghulam Mohammed, if you so desire it.

With respects,

Your sincerely,
Prem Nath Bazaz

Prime Ministers House
New Delhi
August 7, 1962

Shri Prem Nath Bazaz
F/8, Hauz Khas Enclave
New Delhi-16

Dear Shri Bazaz,

I have your letter of August 4, I am afraid it is difficult to

write at length to you in regard to the various points you have raised. I agree with you that much can be done in Kashmir to improve the situation. I think gradually something has been done. It is true that political liberty does not exist there in the same measure as in the rest of India. At the same time, there is much more of it than there used to be.

At the present moment there are continuous threats from the Pakistan side of war of some kind or other.

As you have no objection to it, I am sending your letters to Bakshi Ghulam Mohammed.

Your sincerely,
Jawaharlal Nehru

F/8, Hauz Khas Enclave
New Delhi-16
August 18, 1962

Pandit Jawaharlal Nehru
Prime Minister
New Delhi

My dear Panditji,

From today's newspapers I learn that a five-man delegation of the Jammu Praja Parishad led by Shri Premanath Dogra has submitted a memorandum to President Radhakrishnan urging that the constitutional clause giving Kashmir a special status be removed and that the State law defining the rights of a permanent Kashmir citizen be abrogated.

It is reported that the delegation has already interviewed some of the Central Cabinet ministers and is soon meeting you to press these demands. I am sure that no hasty action will be taken in the matter. I, however, thought I might bring certain important points to your notice in this connection.

Whatever the sins of Bakshi Ghulam Mohammed, it must be said in fairness to him that he is making supreme efforts to keep Kashmir with India. It can be done through force but the

wiser course would be to do so with free will of the State people. Not much effort has to be made to secure the support of the Hindus for the purpose, but it is not easy to have the goodwill of Muslims. Despite the repressive policy which he has been pursuing all these years and with which I am in total disagreement I think Bakshi Sahib is sincerely anxious to make the Kashmir Muslims appreciate that integration with India is more beneficial to them than accession to Pakistan. For this endeavour he deserves praise of the patriotic Hindus and not brickbats as are time and again hurled at him.

There is no doubt that the Article in the Constitution granting special status to Kashmir as well as the State law defining citizenship are helping the leaders of the National Conference to wean away the Muslims from pro-Pakistan inclinations. If, therefore, the demands of the Jammu Hindus are granted it will weaken the Kashmir Government and possibly bring about its downfall under enraged public opinion with unpredictable consequences for the State politics. The demands of Jammu Hindus are not unreasonable but dealing with delicate situation as we have in Kashmir it is prudent to bide time. Impatience is bound to defeat its own purpose.

As you pointed out in your letter of the 26th July 1962, the accession of Kashmir is complete. The Article 370 does not in any way hamper the supervisory work of the Union Government. But it does help the Kashmir leaders to satisfy the national yearning of the local Muslims for autonomy. With a more favourable situation in future when public opinion becomes dependable it might be possible to do away with this distinction but under the present circumstances I think it would not be advisable to consider the ultra-nationalistic demands of the Praja Parishad however logical they might appear theoretically.

Considering the incessant hostile propaganda from outside and the heavy pressure from inside, Kashmir Government is doing a heroic job; let its difficulties not be augmented by adopting measures which are by no means urgent.

Yours sincerely,
Prem Nathe Bazaz

Prime Ministers House
New Delhi
21st August, 1962

Shri Prem Nath Bazaz
F/8, Hauz Khas Enclave
New Delhi-16

Dear Prem Nathji,

I have your letter of August 18th. It is true that I had a small deputation the other day led by Shri Prem Nath Dogra. I explained to him that what he said was not advisable. As a matter of fact much has been done in spite of Article in the Constitution which is supposed to give a special status to Kashmir and gradually that little remains will also go. The question is more a sentimental one than anything else. Sentiment is sometimes important, but we have to weigh both sides and I think that no change should be made in this matter at present.

Your sincerely,
Jawaharlal Nehru

F/8, Hauz Khas Enclave
New Delhi-16
August 25, 1963

Pandit Jawaharlal Nehru
Prime Minister
New Delhi

My dear Panditji,

It was an agreeable surprise to learn that you have accepted the resignation of Bakshi Ghulam Mohammed and some one else is to succeed him as the Prime Minister of Kashmir. I feel that the step you have taken is fraught with far reaching consequences for good or evil of the country depending on the way the opportunity it affords is utilised by

those who will be put at the helm of affairs in the Kashmir State.

In the letters which I wrote to you last year after my visit to the Valley, I had tried to impress upon you that though Kashmir people were grateful to India for the generous financial aid which was given for their economic and social welfare, they were unhappy because freedom of opinion was almost crushed there and coercive methods were employed to suppress any disagreement on vital issues with the rulers. Besides there was widespread corruption at all levels in the administration. I had pleaded for a liberalisation of the policy and adoption of some means to mollify the people.

After going through my report you agreed with me by saying that much can be done in Kashmir to improve the situation. I imagine the time has arrived when effect can be given to your noble intentions.

It would be unfair to deny that Bakshi Ghulam Mohammed has done some good work in the past years. He has established one of the finest transport systems in the State; cottage industries have received a fillip under his fostering care; and the tourist industry has enormously developed since he became the Prime Minister. But somehow Bakshi Sahib has come to believe that anyone who disagrees with him is not a patriot and that law and order in Kashmir cannot be maintained without freely using the marshals baton. With this approach Bakshi Sahib has been successful only in alienating the sympathies of the people and making Muslims hostile to India.

The failure of recent talks between the representatives of India and Pakistan has shown that there is no meeting ground on which the Kashmir problem could be settled. It is hardly likely that mediation of a third party which U. S. A. and U. K. are sponsoring can lead to any better results. India is therefore left to her own resources to end the problem. Our urgent task is to wean away the Muslims from Pro-Pakistan inclinations. May I humbly suggest that this is not an impossible undertaking provided we are determined to meet the situation with courage and liberal statemanship.

The removal of Bakshi Ghulam Mohammed from the premiership, I believe should open a new chapter in State politics. We should endeavour to win the hearts of the Kashmir Muslims which are still bereft of any warmth for India. It is not an utopian dream that I am suggesting. Knowing as I do the Kashmir people, particularly the Muslims, it is within the realm of possibility to enlist the support of thoughtful and patriotic among them. With a change for the better in the policy so far pursued, I believe, they will be prepared to throw in their lot with India. I am especially optimistic about it in view of the development in Pakistan and the bitter experiences made by the Kashmiris in Azad Kashmir. But the whole affair needs to be handled sagaciously.

If no change in Kashmir policy towards liberalisation is visualised after the acceptance of Bakshi Sahib's resignations then I think it is a move fraught with grave risk; for of all the important political figures in the State today perhaps he alone is fit to rule with an iron hand and handle the situation under existing circumstances. By his removal from the premiership the conditions are apt to deteriorate.

I, however, believe that your decision is significant. It cannot be meaningless. You are no less anxious to see Kashmir politics normalised and the State people made happy and contented within the Indian Republic than any of the critics of your policy. I therefore congratulate you on this bold and wise step. It has not come a day too early after the failure of the Indo-Pakistan negotiations over Kashmir.

With respects,

Your sincerely,
Prem Nath Bazaz

7

Kashmir Under Sheikh Abdullah

I

On the last day of October, 1947, Sheikh Mohammed Abdulla, who had led the people of Jammu and Kashmir to revolt against serfdom for nearly two decades, was charged to deal with the emergency which had suddenly arisen as a result of Pakistan invasion of the State. Four days earlier no Government existed in the State. Well-equipped hordes from Pakistan had swooped down on the frontier town of Muzaffarabad and were now knocking at the gates of Srinagar—the capital of Kashmir. The capital itself had been abandoned but the people under the National Conference—Sheikh Abdulla's party—rose to defend their hearths and homes against the aggression of Pakistan unleashed on the peaceful valley with the fully fury of a religious war. Thousands of refugees from the sacked towns were pouring into the capital. The State Treasury was without cash and a run had started on the banks.

Today conditions in Kashmir are different. Firstly, with the aid of the Government and people of India, the invaders have been thrown back. Secondly, a popular Interim Government under Sheikh Mohammed Abdulla administers the State which is determined to ameliorate the condition of the masses. Thirdly, the people of Kashmir have before them the prospect of

complete freedom from tyranny and oppression which have been the order of the day in Kashmir for many centuries.

Sheikh Abdulla's Government and the National Conference have firmly set Kashmir on the path of progress. Starting from a scratch, the progress registered by the State under the new Administration in almost all directions has been outstanding keeping in view the circumstances under which Sheikh Abdulla accepted power, as readily admitted by impartial observers who have visited the State during the last two years.

Leaving aside the part played by them in stemming the tide of aggression and stabilizing the conditions in the State, Sheikh Abdulla and his colleagues have successfully tackled problems of national importance like the AGRARIAN QUESTION, COMMUNICATIONS and SUPPLIES and the problems of RELIEF AND REHABILITATION. The problems must be understood in the background of the conditions which prevailed in the State before assumption of power by the present Government.

The Agrarian Question

Kashmir has 8,903 villages with a population of 3,503,929 against a population of 362,314 living in the towns which are only 39 in number. For centuries, the peasantry of the State was subject to feudal exactions and had been denied all rights on the land. The real beneficiaries from the land were the jagirdars or absentee to them by the State. Sheikh Abdullah's Government was faced with the question of either bringing relief to the peasantry or allow their poverty and misery to be used and exploited in ways as may have clearly given rise to similar unrest of which most of the Asian countries which did not take timely steps to solve their respective agrarian problems are prey today.

It is the policy of the present Government of Kashmir to ultimately allow land to go to the tiller of the land. In the meanwhile, the Government has taken the following measures as an immediate relief to the peasantry :—

1. absentee landlordism has been abolished;
2. no tenant who has cultivated land for seven months before the passing of the new Tentancy Act may be evicted;
3. the tenant is entitled to 3/4ths of the produce of the land as against 1/4th only to which the proprietor is entitled;
4. village officials will henceforth be elected;
5. 40,000 acres of unattached land have been distributed amongst the landless peasants;
6. rationing has been introduced in the rural areas benefiting nearly 2 million people in the villages;
7. a moratorium has been placed on all non-commercial debts;
8. the peasants throughout the State have been provided with better and greater irrigation facilities for which purpose a separate Department has been brought into existence which is working on several new irrigation projects;
9. Rs. 5,00,000 (rupees is equivalent to 21 cents) have been distributed by the Government as flood relief in areas which were visited by floods during 1948-49.

The Government has also, in order to introduce new methods of cultivation with a view to stepping up of production of food, put into use a fleet of 13 tractors in the State. The Kashmir peasant is thereby being provided with all modern facilities of mechanised cultivation.

Communications

The problems of communications is vital for Kashmir. After the invasion, the Government was faced with the task of building a transport organization of its own in order to move supplies and stores from India. It may be mentioned here that Pakistan authorities looted away most of the vehicles belonging to the State which before the invasion used to ply on the Rawalpindi road. Accordingly a fleet of 351 vehicles costing

nearly Rs. 10,00,000 was purchased by the Government to supplement the transport resources of private agencies. These vehicles employ nearly 2,000 people as drivers, cleaners and mechanics. To look after accessories are working at different places in the State.

With the aid of this transport, the Government was able to overcome the problems created by the economic blockade imposed by Pakistan before the invasion on the State. Today the position of essential supplies in the State is sound with ample reserves which are built in the beginning of every month. These supplies are distributed throughout the State with the aid of multi-purpose co-operative societies, which function in a group of each twenty villages.

A chain of new roads connecting some of the far-flung areas of the State with various towns and cities has been laid. Places like Basohli in Jammu and Langet in Kashmir are now motorable roads connecting them with the respective capitals. A chain of air fields has simultaneously been built at various places in the State.

The Jammu-Srinagar road has been widened at many places and kept open throughout the year at a cost of Rs. 15,00,000. For first time in the history of Kashmir, vehicles plied between Jammu and Srinagar even when the snow on the Banihal pass was 19 ft. Baltal-Zojila and Sonnerwani-Gurez roads have been converted from bridle roads into jeep tracks.

Relief and Rehabilitation

The most serious problem demanding the attention of the new Government at the time of its taking over was that of providing relief to and rehabilitating hundreds of thousands of refugees rendered homeless as a result of the invasion. Besides setting up a network of camps for their benefit, the Government spent huge sums amounting to over Rs. 3,75,000 in the first year in helping them in the shape of interest-free loans, free rations and free house-building materials. A separate department was created to look after these refugees and to rehabilitate them. Vast areas of land were reclaimed and distributed amongst them. Over 200,000 of these displaced

persons have been rehabilitated so far, and the Government have spent over Rs. 12,75,000 on this work in the latter part of the year 1949.

Other Problems

To other problems like the INDUSTRIAL REVIVAL and REORGANIZATION OF HEALTH SERVICES and RESHAPING OF THE EDUCATIONAL SYSTEM in the State, the present Government has given due attention and considerable progress has been achieved in these directions as well.

Industrial Revival

1. Timber industry which had come to a stand-still as a result of the invasion has been revived. The Government paid Rs. 5,00,000 as remission on royalties on forest leases of 1946-47 and 1947-48. Over 276,470. cft. of timber were exported during 1948-49 from the State to India. The Government of India has ordered for an additional quantity of 500,000 cft. to be delivered early next year.
2. The whole output of raw silk amounting to over 1,150,000 lbs., which was mostly exported previously, is now being consumed locally providing work to over 6,000 weavers and a still large number of other workers. Raw silk has been made available to nearly 3,000 workers with a view to providing work for them, with the result that the average monthly income of every such workers is over Rs. 75. About Rs. 1,50,000 were distributed among workers in the Government Silk Factory by way of relief ranging from 1/8th to 1/3rd of their total earnings during the year 1947-48. Silk wastes, previously generally thrown away as useless, are now being successfully utilized for production of a new variety known as Matika silk, thus providing work to 7,000 workers. Production of silk-worms provides a subsidiary occupation to nearly 800,000 villagers.
3. The Mahura Power Generating Station, which supplies electricity to the Valley having been damaged badly by Pakistani raiders, immediate steps were taken to repair

it. To forestall a further breakdown of the Station, over Rs. 1,25,000 are being spent this year on the Sind Valley Hydro-Electric-cum-irrigation Project. The project will yield 6,000 kilowatts of electric energy in the beginning and 12,000 kilowatts when completed. About 475 cusecs of water will be carried by a canal about 9.66 miles long, out of which 300 cusecs will be required for generating purposes at Ganderbal about 13 miles from Srinagar and 175 cusecs utilized for irrigation purposes.

4. A sum of about Rs. 16,000 has been advanced to the Union of Kashmir artisans and craftsmen, who hard-pressed as a result of the conditions created by the invasion, to enable them restart production. Emporia for the marketing of their products have been set up in Delhi, Simla, Bombay, Srinagar and other places.
5. The work of the State's Drug Research Laboratory at Jammu was hampered as a result of the division of India as the supply of raw drugs which used to be imported from the then Punjab was stopped. All the material requirements of the industry, particularly alcohol, which is its very life-blood are arranged from other parts of India—and the Laboratory is now not only functioning normally, but measures for its further expansion are under way.

Health Services

Many new experiments have been made in improving the Health services of the State, which had completely broken down in many parts as a result of the invasion.

1. About Rs. 4,50,000 out of the Sanitation Cess Fund are spent on the sanitation of rural areas.
2. Equipment worth about Rs. 7,85,000 has been set up in the Srinagar Central Hospital which not only includes the diagnostic but also therapeutic apparatus.
3. The Hospital has been provided with Electro—Cardiogram for diagnosis of heart-diseases, ultra-violet lamps, etc.

4. A chain of new dispensaries has been set in villages, and old dispensaries in the liberated areas have been restarted.
5. To combat tuberculosis, of which incidence in the State is high, a Chest Diseases Hospital has been organized; and orders have been placed in America for surgical equipment necessary to set a new operation theatre in the Hospital.

Educational System

1. A University—University of Jammu and Kashmir—has been set up, fulfilling a long-felt demand of the people. With the aid of this University the rich cultural heritage of Kashmir is being recovered at a rapid pace.
2. The curriculum of studies is being overhauled so as to reorientate it in accordance with the new conditions obtaining in the country.
3. With a view to imparting education to children in their mother tongue, a script has been introduced for the Kashmiri language.
4. Over 300 schools in various liberated areas, which had been closed during the enemy occupation, were restarted.
5. A scheme of social education is being implemented. To start with, it is proposed to have 40 social education centres. The main features of social education are folkart, music and dancing.
6. To disseminate knowledge and culture of which Kashmiris possess a proud heritage, two Radio Stations have been set up in the State with a network of community listening posts for the benefit of the common-folk.

Future Plans

The future plans of the Government are envisaged in "New Kashmir," which the National Conference adopted as its programme as early as the year 1944. The "New Kashmir"

Plan is a democratic and progressive approach to the solution of the problems confronting the toiling masses of the Jammu and Kashmir State. Its main objective is to make Kashmir free of the giant evils of want, disease, ignorance and squalor and usher in an era of peace and plenty.

II

The State of Jammu and Kashmir occupies a unique position in the sub-continent of India. With an area of 84,471 square miles between 32.17° and 36.58° North Latitude and 73.26° and 80.30° East Longitude the borders of this State meet not only India and Pakistan but also Soviet Russia, China and Afghanistan. With the division of the Indian Sub-continent in August 1947 into India and Pakistan Kashmir which had boundaries contiguous to both was put in a peculiar position. It was free under the Indian Independence Act to join either of the two newly created dominions or to remain independent. The State had not yet made its choice when Pakistan attempted to annex the State by sheer force of arms. While the people of Kashmir and their representative organization the All Jammu and Kashmir National Conference as well as the Indian National Congress and the Government of India took the stand that it was the right of the people of Kashmir themselves to make the choice, the Government of Pakistan and the Muslim League conceded this right to the Prince. Accordingly the Pakistan Government attempted to effect accession of the State to that dominion at first by persuasion and negotiation with the Maharaja directly. This was followed by coercion by means of forcing an economic blockade. Finally they had recourse to naked aggression of the State towards the end of October 1947.

The ideal set by the People of Kashmir consistently before themselves was to secure freedom from the shackles of autocracy within the State first and then to make the choice as free people for accession—one way or the other. Thus, while on the one hand the Prince would not part with power, on the other hand Pakistan would have the people of Kashmir subjected

to its authority as well. So there was only one hope left for the people of Kashmir and that was to look forward sub help to India National Congress and the National Government of India which had all along supported the Kashmir people's struggle for freedom and also stood by them vindicating their basic rights, in this hour of crisis. It is not esay to imagine under what abnormal circumstances the present administration assumed power. The grim background of 1947-48 should be taken into account in assessing the schievements of the present Government.

The Maharaja's administration completely collepased as a result of the Pakistan-sponsored invasion. The People of Kashmir and their representative organisation—National Conference—were faced with the problem not only of arranging their own defence against the fcreign on slaught but also of starting the whole administration from scratch. So, reorientaion was given to the remnants of the administrative machinery which was set going by creating new institution to meet the exigencies to time.

On the 5th of March 1948, a regular National Interim Government was formed to carry on the administrative responsibilities of the State. This government is pledged to have.

- (i) the entire territory of the State restored to lawful Governmnt and liquidate the so-called "Azad Kashmir Government" and its forces.
- (ii) rehabilitated all those persons of the State who have left their places of residence after the raids and consequent disturbances, and
- (iii) an Assembly set up on the basis of general adult suffrage which will draw up the Constitution for the People of Kashmir.

It must be admitted that the realization of this ultimate goal is far from achievement yet. The reason for non-achievemeent of this goal can be safely attributted to the indifference of Pakistan authorities towards the legitimate aspirations of the people of Kashmir, whom they would annex with themselves

throwing all cannons of democracy and freedom to winds. Were it not for the intransigence of Pakistan which in the beginning straight-away denied its hand in the aggression on Kashmir, and later admitted that it had the overall command of all the forces operating in the so-called Azad areas, the ground should by now have easily been prepared not only for ascertaining the but also for drawing up their own Constitution.

Land to the Tiller

The disturbed conditions, however, did not deter the Government to implement popular measures calculated to render much needed relief to the oppressed and poverty stricken people. It was towards the middle of the year 1944 that the All Jammu and Kashmir National Conference laid before itself the ideal of "New Kashmir." From soon after taking over the reins of administration, it has been the endeavour of the Government to redeem the pledges given by her to the people. The first important step which the Government has taken is towards the securing of freedom of the peasant from the shackles of a parasitic class of feudal lords, callly Jagirdars in common parlance. These Jargirdars were created for the first time during the rule of the Moghul Emperors and patronized by the subsequent ruling classes. This system of Jagirdari received a further impetus during the last regime when additional Jagirs were created and holders thereof were granted fresh concessions and privileges. Where previously the absentee landlord would get a share of one half or more of the produce, three-fourths of it now go to the tiller of the land. The teller has not only obtained economic relief but has also received even more in the remval of the econimic indignity and spiritual and social evils bred up by the serf-landlord relationship that existed for centuries in this land.

In order to bring about a fundamental change in the productive relationship in agriculture, the Government has recently passed orders which seek to implement the policy of transferring land to the actual tillers. The main features of this Agriculture Plan are :—

1. Existing proprietors who own more than 160 kanals (20

acres) of land shall, subject to other conditions and limitations, retain and hold

- (a) a unit of agricultural land not exceeding 160, kanals.
- (b) an area not exceeding 8 kanals for residential use or for purposes of vegetable gardening.
- (c) a residential site actually under building at the present moment including a compound attached to such building not exceeding 4 kanals in each case, and
- (d) area under Bedzar or Safedzar not exceeding 10 kanal.

2. Any proprietor who owns more than 160, kanals of land shall have the option to select the area specified in Article 1 within a period of one month from the date this order comes into force, failing which a Revenue Office, not below the rank of a Tehsildar, shall allot him the said area.

- (a) All big orchards of a specified area shall be forthwith nationalised and shall become the property of the State, and
- (b) orchards other than these shall continue to be the property of the present owner.

3. The right of ownership in land in excess of other area mentioned in Article 1 shall cease to vest in the present proprietor from the date this order comes into force.

4. All the land from which the present owner has been expropriated shall be transferred to the tiller under whose cultivating possession such land is at the present movement.

5. The tiller shall be the full owner of the land transferred to him.

6. The tiller shall pay to the Government besides land revenue and other dues payable at present a special cess called the "Land Development Cess."

7. The Government shall determine the rate of this cess and all income derived there from shall be credited to the Land Development Fund which shall be available for effecting improvements on such lands.

8. No proprietor or tiller shall transfer land or any interest

therein without the previous permission of the Government.

9. Except so far as hereinbefore provided no tiller or proprietor shall hold or retain possession of more than 160 kanals of land.

10. The actual size of the holding of the tiller to whom land has been transferred under this order shall be finally adjusted in due course of time.

11. The Government shall appoint a Committee to determine the assessment and the method of payment of compensation for the orchards that are nationalised.

12. The Government shall pay to the proprietor who has been expropriated from the land under this order the following amount until Constituent Assembly of the State is convened and the question of compensation is finally decided :-

- (a) for the first year after expropriation an amount equal to $\frac{3}{4}$ th of land revenue of the land from which he has been expropriated;
- (b) for the second year $\frac{2}{3}$ rd of such land revenue; and
- (c) for the third and subsequent years $\frac{1}{2}$ of such land revenue.

Provided that

- (i) the amount so payable shall not in any case exceed a sum of Rs. 3,000 per annum; and
- (ii) no amount shall be payable on account of any area appropriated by the owner from Shamilat-Deh (village common).

Food Position

The food position in the State has been a matter of deep concern for the Government for a long time. The raids and consequent devastation resulted temporarily in the dislocation of the revenue machinery in a number of areas which gave rise to disruption in the collection of *Mujawza* (compulsory procurement of food-grains). Measures were, therefore, adopted to procure paddy on monopoly basis so as to eliminate profiteering, hoarding and black-marketing by private agencies. For

the first time, many rural areas, deficient in food-grains, were put on rationing which consequently expanded to an enormous size embracing not only the urban and suburban populations, but many rural areas, refugees in far-flung places as well as well as labour engaged in forward areas. Last year constant floods nearly brought about famine conditions but the Government promptly adopted measures to tide over the situation. Large quantities of food-grains were imported from India and as the people could not pay the high prices that these food-grains carried, the Government had to pay a subsidy of nearly one and a half crores in to make such rations available to the people at cheaper rates.

In order to rationalize agricultural production the Government has adopted such measures as are likely to assist in the extension of the area of cultivation as well as increase the productivity of the present cultivated land. Better seeds and manure have been introduced and widely accepted by the cultivators.

In the "Grow More Food" that was launched in 1948, care was taken to allot waste lands to landless peasants and in some cases they were induced to take to co-operative farming with encouraging results. As many as 1,85,583 kanals of cultivable waste lands were allotted during the year 1948-49 and in 1949-50, it was 49,547 kanals. As a result of this drive, the increase in the produce of food-grains is estimated at about 2,00,000 maunds. Efforts are in progress to make available a further area of 1,50,000 kanals in the valley of Kashmir.

Irrigation

An Irrigation Department has been set to tackle the problem of irrigating dry lands and consequently ten old and new canals have either been restored or constructed. One of these canals, the Awantipura Canal which was completed at a cost of about Rs. 8,22,000, irrigates an area of 4,000 acres of land. It is expected that with the installation of necessary machinery, the canal can generate electric power sufficient for a large area around. Moreover, by lift irrigation another 6,600 acres of land on the left bank of the Jhelum can be irrigated. The Sindh

hydro Electric-cum-Irrigation scheme will harness the water protentiality of river Sindh, which is a tributary of the Jhelum, to the service of the country. This will generate, 12,000 kw. of Electricity at Ganderbal for electrificaitoin of the Srinagar city and its suburbs and will also irrigate 1,500 acres of land by its 10-mile-long-lined canal. The scheme is expected to cost 1.6 crores and will be completed by the middle of the year 1955. To replace the present conduit at the Srinagar Water Supply Reservoir at Harwan, which has a capacity of 9,00,000 gallons, a new service conduit from Harwan Reservoir to Nishat Purificaiton plant capable of delivering 12,00,000 gallons daily is under construction.

Education

The Jammu and Kashmir University was established in the year 1948. It has held examinations up to Degree standard for the years 1949 and 1950 which have been recognised by other Universities in India. A Text-Book Advisory set up by the Government selected various pandels of writers for preparation of new text-books in which the content has been correlated with General Science, Social Studies and what may compendiously be called, the Spirit of "New Kashmir." With a view to implementing the Government's decision to impart education at primary stages in mother-tongue, the Kashmir script has been perfected and gieven a shape—and for the first time in the history of the State text-books were written in Kashmir in the year 1949 for use in schools. Educational institutions have been restarted in the liberated areas.

The Government has introduced a new structure of educational systems the main features of which are four years' course for secondary education, which have two types of schools, ordinary and constructive with agricultural, technical and industrial bias suited to the needs of the country and its industry.

Infant schools have been re-organised at 60 different places. This was done to fight successfully against the wastage at the primary stage. These schools take the children at the age of 3 and keep them 2 years. The method and technique of these

schools are based on an Indianised form of Montessori system.

Recently the Education Reorganization Committee has recommended that the Government should check private enterprise in education as it generally encouraged the growth of denominational institutions where a healthy and progressive type of education could not be imparted. The Government is considering the taking over of certain private schools in order to improve their standard. It has also under consideration methods of checking congestion of educational institutions in cities and towns so as to utilize the resources thus released for increasing the number of schools and colleges rural and backward areas.

As a step towards this, two Intermediate Colleges have been opened in Anantnag and Sopore and an Intermediate College exclusively for girls has also been started in Srinagar.

A network of social education centres has been spread over the entire area of the State to educate public opinion in the ideology of "New Kashmir. To start with 40 social education centres—20 for Jammu Province and 20 for Kashmir Province—have been started.

Self-governing institutions have been introduced in rural areas by throwing open the posts of village officials viz., Lambardars and Zaildars to election on the basis of adult franchise, and constituting tehsil and district councils. Each district and tehsil in Jammu and Kashmir has been provided with a Council which acts in a supervisory and advisory capacity vis-a-vis the district and tehsil administration in each district and tehsil.

Public Health

An idea of the strain to which the Department of Public health was put can be formed from the fact that over one and a half lakh refugees were treated for various diseases and injuries inflicted upon them by the wanton atrocities of the raiders, and about two lakh vaccinations, injections, and inoculations given to keep them immune from various epidemic diseases. As a result of the setting up of an Isolation Hospital,

an Epidemiological Laboratory and Mobile dispensaries the mortality rate figures appear to have dwindled a little this year. As a result of a campaign to register the cases of T.B., 10,000 cases were attended to. The B. C. G. Campaign has also been started in the State with the help of the International Tuberculosis Organization. X-ray, Electro-Therapeutic. Electro-cardiograph and Ultra Violet Lamps apparatus has been imported to equip the hospitals in the State.

Industries

The invasion of the country had brought the industrial life of the country to a stand-still. In the case of the timber industry, the forest lessees and their staff had fled away and the river transport available through the Jhelum and the Chenab to the rail heads at Jhelum and Wazirabad had fallen into the hands of the enemy. The lessees had suffered a loss of over two crores of rupees. The Government therefore granted remissions on unpaid royalties for the leases of the years 1946-47 and 1947-48 amounting over 75 lakhs of rupees. Motor transport was available at cheap rates, so that the timber could be carried to the nearest new rail link at Pathankot within two or three days as compared to several months taken by portaging. The industry has revived and today besides providing employment to large bulk of people the revenue to the State has increased to Rs. 55 lakhs from Rs. 29 lakhs in 1947. For the expansion of the Silk Industry, orders have been placed in France for fresh plants. The average monthly income of a weaver has increased to about Rs. 100 now. The Drug Research laboratory in Jammu is now the single premier pharmaceutical concern which meets the needs of Northern India, though as a result of the partition Pakistan has stopped supply of alcohol chemicals and other raw drugs. The Kashmir Industrial Arts Emporium which was set up soon after the formation of the present Interim National Government with branches at Amritsar, Delhi, Bombay, and Simla with a view to standardising the Kashmiri artisans product and to find market for it, eliminating the middle man altogether, has conducted a business to the tune of nearly 10 lakhs of rupees. The tourist industry which had ceased to exist, directly as a result of the invasion of the

country by Pakistan, has been revived. A regular Department has been set up with representatives in different parts of the country to assist the visitors to Kashmir. All possible facilities are arranged to meet the requirements of the prospective visitors. There are now as many as 31 centres in India where permits for entry into Kashmir are issued. The result is that a permit for entry can be had in any principal city of India. There are first rate Deluxe tourist buses running at scheduled hours from Pathankot to Srinagar and back and between various health resorts and places of beauty. The Rest Houses and Dak Bungalows have been improved and all hotels and restaurants licensed. The results are encouraging. During the last two months about 5,000 visitors from different parts of the world have come here to enjoy the climate and scenic beauty.

Supplies and co-operatives

The Supplies Organization was originally introduced during the last Great War, but prior to the formation of the present national government its activities were restricted to supervision of the distribution of controlled commodities imported in normal trade only. But now the Department has taken upon itself the task both of procuring and distributing all essential commodities. The Co-operative Organization has through its Sales Depots ensured that all these commodities are within the easy reach of the population in each classified area for the purpose, called Halqa. The Kashmir Valley Food Control Department, which previously used to arrange procurement and distribution of paddy for only the city of Srinagar, is now looking to the needs of the people in the suburbs and of the landless villagers.

Co-operative movement has been introduced in the State with the object mainly of bringing the entire village life within its fold. Measures were taken to

- (i) scale down debts outstanding against members to the extent of their own repaying capacity,
- (ii) spread out the reduced debt over a number of years,
- (iii) take surrenders of lands and lease them back to the members of the societies for Cultivation,

- (iv) finance crops,
- (v) encourage repayment in kind
- (vi) supply necessities of life.

There are over three hundred multi-purpose societies which attend to the distribution of the necessities of life. Co-operative societies have been organized for the finding of markets in Kashmir Arts and Crafts.

There are about sixty industrial societies in the State. For the introduction of joint farming and joint village management, Co-operative Collective Farming Societies have been organized.

Transport

A large number of vehicles plying between Kashmir and the Punjab were detained in Pakistan while a good number of them were moved out of the State due to panic and many were rendered useless by enemy action. There was, therefore, a great danger of shortage of essential commodities owing to very few motor vehicles being fit for transporting. With the creation of Transport Department the transport situation improved considerably making for the availability of essential commodities, in particular during the winter season in 1948-49. This Department with a fleet of about 500 vehicles of its own has been running profitably ever since its inception.

Publicity

There are now two Radio Stations in the State disseminating knowledge and information and countering the false propaganda of the enemy. The Audio-Visual Publicity Organization has about four hundred centres in the State where Radio sets are installed to make facts known to the people of far-flung areas. Educational and other films are exhibited at different places.

Rehabilitation

A crore of rupees have already been spent on relief and rehabilitation works connected with refugees belonging to areas occupied by the enemy and those which have since been liberated. This is in addition to a sum of Rs. 42 lakhs

provided by the Government of India for the re-settlement of refugees lying inside refuge camps. Besides provision of rations, medicines, blankets, clothes, etc., as gratuitous relief, the refugees have been granted interest-free loans for construction of houses, purchase of agricultural implements, etc. In order to relieve agriculturists, weavers of all kinds, Hanjis (boatmen), artisans and craftsmen, including embroiderers, manual labourers of all kinds and factory labourers, an ordinance was issued last year ordering the stay temporarily of realization of debts. Now five Debt Conciliation Boards each consisting of one whole-time Chairman and five members from the Districts have been formed. These Boards will help in amicable settlement between debtors and creditors and dismiss all claims in which one and a half times the principal has been paid.

The present administration has had a stormy birth and ever since it has been battling against abnormal conditions. Its work has, therefore, to be judged in the context to these conditions. The entire State was reduced to ashes as a result of the barbarous aggression and out of these ashes there has emerged the undying will of the people to change their destiny. Whatever progress we have been able to achieve has mainly been due to the unstinted support and ungrudging co-operation of our people. So far we feel we have travelled forward hopefully but our objective is still ahead. We have no doubt that once the cramping complications in which we are hedged at present end, we shall grow from strength to strength till the ideals laid down in our Charter of Liberties, the "New Kashmir," are achieved.

8

Abdullah's Speeches and Interviews

**Interviews
ON RELEASE
(2nd January 1968)**

On January 2, 1968, at No. 3 Kotla Lane where Sheikh Mohammad Abdullah had been interned under the Defence of India Rules Mr. B. N. Tandon, the Deputy Commissioner of Delhi, served the Government of India Order at 8.40 a.m. on the Sheikh whereby all restrictions were removed on him and he was released unconditionally. At that time there were pressmen and a few photographers on the lawn with whom Sheikh Shaeb had a brief chat. He said :

"I hope that Smt. Indira Gandhi, the Prime Minister, would allow the threads to be picked up where in 1964 they had been snapped due to Panditji's death; and that the Indo-Pak amity mission will be permitted to be pursued so that the two countries will resolve amicably their disputes through friendly negotiations.

"I would try that both countries may establish friendly relations between them and if you permit me to say so, I would pressurize them into falling in love with each other."

Replying to a question the Sheikh said that he had no cut

and dried solution for the problem of Kashmir. "I am a supporter of Indo-Pakistan friendship and through that friendship a solution for Kashmir will emerge. But I will plan out my programme after meeting Mrs. Gandhi."

Press Conference

On 4th January 1968 Sheikh Mohammed Abdullah addressed the first Press conference on the lawns of No. 3 Kotla Lane, New Delhi. The conference was attended by more than 150 representatives of leading papers and news agencies and television, both Indian and foreign besides distinguished friends of Sheikh Sahib. Sheikh Mohammad Abdullah started by reading out the following statement.

"To the large number of members of Parliament from both Houses and of all parties who signed a representation for my release I owe a debt of gratitude. I am glad that the Government of India decided in response to that representation to withdraw the restrictive orders served on me in May 1965. I must also refer to the part played by several eminent friends outside Parliament who persistently worked for the same objective. While I cannot mention all, I must single out Rajaji and Shri Jaya Prakash Narayan, Shri Shiva Rao and Shri J. J. Singh for their hearty support.

"I can assure you that notwithstanding the many years of my incarceration, I have no rancour in my heart. Personal liberty, after nearly fourteen years of unjust detention, weighs far less with me than the release of forces that will advance the cause of friendship between India and Pakistan.

"India is facing today a serious crisis, with many difficult problems which appear to baffle the best efforts of her leaders. Her relations with Pakistan have been marked by conflicts and misunderstandings for two decades, and vast funds, which should be devoted to the progress of education, health, agriculture and social welfare in general, are now diverted by both countries towards the production of destructive weapons.

"I am anxious to consecrate the years that lie ahead of me to foster peace and friendship between India and Pakistan. I am convinced that along the path we have trodden for the last 20

yer as there is nothing but suffering, hatred and misery for the hundreds of millions living in this sub-continent.

"By a fortunate coincidence in a few days time will come the second anniversary of the Tashkent declaration. Two statesmen, watching their respective countries on the brink of disaster, resolved in that noble charter of aims and objectives to seek joint collaboration in many spheres of human endeavour.

"I am certain that the people of India and Pakistan would welcome nothing more eagerly than an era of peace and mutual assistance. High prices, shortage of essential commodities and a sense of deepening frustration and despair have been the lot of the vast majority in the two countries over since the dawn of independence. But not only of India and Pakistan the people of Kashmir have paid even more dearly for the unhappy relationship between the two countries and are anxious therefore to participate actively in the restoration for goodwill.

"Mahatma Gandhi pleaded with all his earnestness for a treaty of friendship between the two countries so that partition need not mean strife. He pleaded in vain. The forces of hatred proved too much twenty years ago and engulfed both countries in deep turmoil. No tribute can be more meaningful to Gandhiji's memory than a nationwide effort to infuse life and reality into the Tashkent declaration.

"I hope to make my humble contribution towards building up such an effort in India, in Pakistan and in Kashmir.

"I must seek the advice and co-operation of my friends all over India, before I draw up my programme of activities. I am anxious, as soon as I can, to renew contacts with my people in Kashmir from whom I have been separated for two-and-a-half years.

"They have undergone during this period untold suffering and have made great sacrifice for their rights and liberties. Repressive laws can never solve any human problems; they only drive discontent deeper into the souls of their victims. If my release has any significance, I hope the release of all political prisoners and detenus will follow without delay and

the removal from the statute-book all laws that make suppression of human liberty and freedom of expression in Kashmir possible.

"As long as I live, my life will be dedicated to the cause of Indo-Pakistan friendship and of inter-racial and inter-religious unity. Regarding Kashmir I would say that in such friendship between India and Pakistan lies the hope of my State's peace and prosperity."

This was followed by questions and answers, the substance of which is reproduced below :

Q. In 1952 you were confident that the progressive elements were with you, later on you were dubbed as reactionary and foreign agent.

He wants to locate me. He says that different people say different things about me. Some have been dubbing me as a British agent, some as an American agent then some have dubbed me as a Chinese agent, some people say, you are a Muslim. He wants to locate the lion. Well, you can locate me in my den.

Q. Are you an Indian national ?

I am not going to reply to this question : it is irrelevant.

Q. Would you please spell out your concrete plan?

As far as my plan is concerned, probably you all know that Panditji invited me to Delhi for talks in 1964 after I was released from jail. We had long discussion and came to the conclusion that this question (Kashmir) must be resolved somehow with the cooperation of Pakistan, so that both countries can progress. He strongly felt the urge for resolving the question in his life-time. He was very keen and so a plan was formulated; the first thing was to persuade President Ayub Khan to have friendly talks at the Conference table with Panditji and resolve this conflict. With his blessings I went to Pakistan and I must thank President Ayub Khan who consented to come to Delhi and try to sort out things. But unfortunately Panditji died and the whole thing stopped at that. Later on, the leaders who succeeded Panditji took quite a different line. They did not

pick up the threads. The result is before you. Now after 2½ years of experimenting probably they have come to this conclusion that in this way does not lie peace and no progress can be made. Perhaps that has influenced them to release me: I do not know yet as I have not been able to contact the Prime Minister. I shall be meeting her this evening. I am quite sure that Indiraji knows the wishes of her father and I hope that she will pick up the threads. If there is the desire to settle this problems amicably, my services are at her disposal to achieve that end. Despite what I have suffered because I am dedicated to an ideal.

Q. Do you want cofederation between India and Pakistan?

No, there is no formula. Any formula which will bring about peace and amity and friendship between India and Pakistan will be welcome.

Q. But can't you spell your plan ?

That depends on what attitude I find here. I cannot be certain about it.

Q. Amity between the two contries, India and Pakistan, can come only in stages. Will there be place in your plan for resumption of trade and commerce and freedom of movement between the two countries ?

That is a question of procedure. The basic thing is the mutual desire to live as friends. The path of hatred and strife should be given up. If that desire is there, naturally I will help.

Q. After your discussions with Panditji, you went to Pakistan. You had talks with President Ayub Khan and then the threads were to be picked up. But after Indo-Pak war in 1965 don't you think there was an adverse influence ?

This war has highlighted the urgency of having a peaceful settlement of the problem. Everybody would admit that the war has decided nothing; nothing but hatred has been gained. Not an inch of territory has been gained by either side. Therefore this matter should be resolved by the two sides like brothers around a Conference table.

Q. But has not the wars snapped Jawaharlal Nehru's

initiative?

Absolutely no. It has highlighted that initiative.

Q. You have mentioned the names of JP and Rajaji. I take it that you have read the statements issued by them in the last few days, one yesterday and the other two days ago, that this (Kashmir) problem has to be solved as between Delhi and Srinagar. Do you subscribe to that ?

This is a problem to be solved between India, Pakistan and Kashmir. They do not say you ascribe to spirit them. At least I have not understood their statement in that. They feel that we must talk to the people of Kashmir see what are the possibilities, satisfy the people of Kashmir and then talk with Pakistan. The main factor is the people of Kashmir. If the people of Kashmir are to be satisfied, then it would be easy to talk to Pakistan. How are you going to satisfy the people of Kashmir ? They are not aspiring for the moon. They want peace; give them peace. Convince them with whatever plan you have in your mind. Then alone Pakistan can be faced. But first convince us. You fight the people of Kashmir and you fight the people of Pakistan. That is no way at all.

Q. Is it possible for you to indicate some broad proposals of how Pakistan President's mind is working ?

We did not deal with the matter that way. The formula, we felt, could be evolved only by mutual discussions. It is very difficult to commit oneself to a concrete formula this way or that; but then there are some broad principles I enunciated at that time and President Ayub Khan agreed to that and I had discussed those broad principles with Panditji. The formula should be such as would not create more difficulties. I had said probably that the formula should not be such as would shake the very basis on which the Indian leaders are trying to build up India, the secular character India. All these things have to be taken into consideration and then we must think about what would be the best formula that can be suitable.

Q. In your statement you have said I hope to contribute towards building up such an atmosphere in India, Pakistan and Kashmir. Do you think these are three separate countries ?

It is not a question of separate countries. Of course, India and Pakistan are free; they are sovereign states and the State of Kashmir is a disputed state between the two. They are the three factors of the problems. You cannot have the decision over the heads of people of the Kashmir who are vitally concerned in the matter, and you have to look to the feeling of India and Pakistan, you have to create a congenial atmosphere in the whole area.

Q. You just talked about the formula which could be sold by the concerned parties to their constituents. Is there any formula in your mind which could be sold by the three parties?

You see if there is a dispute between two parties there are two ways of resolving the dispute. By force, either you win or I win. That is not a permanent solution. That is for the time being. Another way is by a peaceful approach, sitting together. I understand your difficulties and you try to understand my difficulties. You try to satisfy me how to meet these difficulties and then something emerges. There is nothing difficult in the world if you have the will.

Q. President Ayub Khan has said in his book "Friends, Not Masters" that you left an impression on him that the future of Kashmir was linked with Pakistan. How far is this true?

Firstly, I do not know whether that book has come to India. I read in the papers which quoted profusely from the book and I read this. He had probably misunderstood some points. I have corrected that impression in my letter to him because there he had attributed something to me which of course was not correct. I owed it to my great friend, the departed leader, to put the record straight. I have not read the entire book and I am not here to comment on his views and impressions. That is not my concern. Do you expect President Ayub Khan to say that Sheikh Abdullah has permanently committed himself to India? You know my view. I have not hidden my views. I am a man of that type. I am not afraid. If I am convinced I will say, I will go to Pakistan. That is my right—to decide my own destiny. My own destiny is in my

hands. I have fought for India's freedom and we fought for our right to be masters of our own destiny. Now, you cannot deprive me of that right. Whatever sufferings I have had since independence would not induce me to hate India. You may hate me as much as you like, but I feel that India must live, must be strong and must play its just role in world politics. It pains me to see that the India of our dreams is not coming up.

Q. You said that the main factor in Kashmir is the people of Kashmir. Do you think that a greater degree of autonomy will satisfy the people of Kashmir?

It is very difficult for me. It is an involved question but we have to evolve something to satisfy everybody. I am not the only man to satisfy.

Q. Throw some light on your meeting with Mr. Chou En lai.

I was in Algiers and Chou En-lai suddenly came there one morning. I wanted to know from the horse's mouth about Kashmir, parts of whose area are controlled by India, another party by Pakistan and a portion thereof now is under China also. Naturally, I thought, let me see what has happened. So I had a talk. Chou En-lai said : "Pakistan being in de facto control of that area, we thought that we must straighten the border on that side. We talked with Pakistan and we have put a clause in the agreement that it is temporary; and ultimately when the question of Kashmir is resolved, the matter will again be taken up at the time." Then he talked about India. Next day I reported the whole thing to the Foreign Minister of India through the Indian Ambassador. First, the Indian Ambassador avoided me but I did not avoid him. I gave him in writing and requested him to transmit it immediately to the Foreign Minister. It is only a question of trust. But I got indications that probably my friends in India did not trust me.

Q. You are trying to internationalise the issue.

You have already internationalised it.

Q. In 1964 you met President Ayub Khan. In the beginning of 1965 they made an attack on the Valley. Still is there

any positive evidence on which you could say that the people of Pakistan and leaders want friendship with this country ?

As far as I am concerned, I am convinced of that. In 1964 I had talks with them. So many friends have visited that country and returned and reported the same thing to me. People on both sides want peace and friendship. This is natural. Millions of people who are on this side have relations on that side and vice-versa. You must create that atmosphere. We must force the leaders to act. Leaders are made by the people and it is for the people to rise to the occasion.

Q. According to Badshah Khan, even if India presents half a dozen Kashmir to Pakistan, it would not be satisfied because it is based on hatred for India. What do you think of this assessment of Badshah Khan ?

About this you ask Badshah Khan. I cannot interpret Badshah Khan. He may have his own grievances.

Q. Do you consider China a party to the Kashmir problem in view of her agreement with Pakistan on a part of the State ?

China does not claim Kashmir. They have occupied some parts of Kashmir and so the dispute is going on.

Q. The part of Kashmir which is under occupaiton of China, have you anything to say about that ?

That is a part of Kashmir and belongs to Kashmir. You should ask the Foreign Minister about it.

Q. The minority community has lost confidence in the present government in Kashmir. This time due to abduciton of a minor Kashmir Pandit girl and the failure of law and order machinery and due to police excesses. The girl wants to come back to her mother. Will you help her ?

I think you should ask the girl. I do appreciate your sentiments about the matter. As long as it was in my power, I faced the communal onslaught on all sides and 1947 was trying for me, but I did my little bit to preserve the communal harmony. At least I am thankful to God that that spirit prevails there and despite the onslauaght on the other side during this agitation my people were not trapped. At that time there was an

onslaught from one side and this time it came from the other side. The people however, as usual maintained communal harmony. We must try to eliminate those forces which give support to communal forces.

Q. Do you still think that the right of self-determination is a part of the formula ?

Self-determination is a thing which is the inherent right of every man. You exercise the right of self-determination by changing the government. If you like the government you vote for it and if you don't like it, you out-vote it. We will have to satisfy the urge of the people of Kashmir.

Q. The right has been exercised already by the people of Kashmir.

If that had been exercised, there would be no dispute.

Q. But the first election was held under your Prime Ministership.

I do not want to go back to those painful events; but we say that India is the biggest democracy in the world and that is probably one of the factors which attracted us. I was the Prime Minister of Kashmir had the full support of the legislature; but one fine morning when I was on tour I was surrounded by armed forces men and handed over a warrant by my own petty police officer. I asked him for his authority on which he was acting in this way against his Prime Minister. Pointing towards the machine guns, he told me that he was acting on their strength. I had no answer to this. Then I begged the President and the Prime Minister to give me a chance to present my case before the legislature and allow me to face the vote of no-confidence. But nothing happened. Do you call that democracy ? Everybody who differs from you, you put him behind bars and under the bayonets of armed forces.

Q. Do you realise the sentiment that in Kashmir complete unity should be established first and then you should work for it ?

We must fix our objective. The question is, do we really want continued strife between the two neighbours ? There

may be some people who say : "Well this way alone we build up India." You have to convince me that this is the only and the right way to build up and strengthen India. Continued strife is not going to benefit India in any way. Twenty years of experience is there. So, it is necessary that we should fix our objective and work for it.

Q. The State is divided now it is not the fault of the Kashmir people. This is the aggression by Pakistan without any provocation. Dont you think that this entity should be established according to the desire of the People ?

I think so much has been said about the Kashmir problem, so much has been written about it that there is an answer to every point you are raising; but I do not want to confuse my mind. We have to hear and examine all points of view and then come to some concrete conclusion.

Q. You are meeting the Prime Minister today. If she offers to take you into the Cabinet, would you join it ?

I will gladly do so if it leads to a solution of the problem.

Q. Will it be possible for you to work on a programme for solving the problem in Kashmir with the present leadership in Kashmir and are you going to discuss this with the Prime Minister.

I accept only that man as the leader who commands the confidence of the people. The question is whether they command the confidence of the people. I think there is nobody, including Sadiq Saheb or Bakshi Saheb, who do not want an end to the conflict. They or Bakshi Saheb, who do not want an end to the conflict. They tried their level best. Bakshi Saheb tried for ten years and now Sadiq Saheb has been trying it but without any success. I do not attack their motives. Let us take it that they honestly held that my approach to the problem was not correct, and so they thought that they would be able to end this whole episode. They had their time and probably you were absolutely liberal with them in supplying funds and moral support, and the results are before everybody. Even Bakshi Saheb probably had at least the sense to accept that he could not solve the problem.

Q. If Abdullah comes again in power ?

I have no love for power. I want India and Pakistan as fast friends because I feel that only in their friendship lies the survival of Kashmir.

Q. Could you tell us what is your relation with the existing government of Kashmir ?

As far as Sadiq or Bakshi are concerned, you can understand these gentlemen. We had been colleagues together for years. We suffered together. To them it appeared that probably my approach was not correct and they would be able to resolve the whole thing. But if they now feel that they have not succeeded, they should reassess the whole position and help in the solution of this dispute.

Q. The immediate question is the functioning of the present Government. Will you, in that case, see how this Government can be strengthened so that it can function well ?

If they pursue the same policy that they have followed of sending people to jail, of torturing them, how can you support such a Government ?

Q. Do you still subscribe to your earlier views on the accession of Kashmir to India or have you changed it ?

You must understand that there are lots of misunderstandings or lack of knowledge. I have so often repeated that I stand by every word, but you must understand what I have said and committed myself to. I have never hesitated to say openly that we of our own free will came to you and joined hands with you. Then what happened later on ? If you throw out to be treated as third-class citizens. We fought for our freedom and honour. You must respect our sentiments. There are numerous friends in India with whom I have worked and suffered. Those associations cannot be cut off. The question is, how to resolve this whole dispute ?

Q. Do you think that President Ayub Khan is strong enough to tell to his people a solution ?

If the solution is fair and if all the world says it is fair, he, naturally would be in a position to do so. If we are not convinced

of that I will say so, openly. But I feel that President Ayub sincerely wants to establish peaceful relations with India. That is my feeling. You may agree or not. Therefore, I am hopeful, provided we approach the problem in the right spirit. I hope we will be able to achieve it but not at the cost of India's honour. I have given my word to my friend who is no longer there. Never expect from Sheikh Abdullah that he would weaken India and its secular basis or play with the honour of India. Nothing should also be done at the cost of Pakistan. Unfortunately, we may have committed a mistake in the partition of India, but it is a reality now. We should adjust our relations accordingly and live as friendly neighbours, without any mental reservations.

Q. What facilities do you think that the Governments of India and Pakistan and Kashmir should give you with which you would be able to resolve this question ? What amenities will help in resolving this particular thing ?

Just to help in the creation of a proper atmosphere. They can only help, not to project the views of those people who are bent upon snapping friendship between the two. That is all they can do.

Q. During the past few days the Pakistan High Commissioner was reported to have met you. Did his talks relate to your likely meeting with President Ayub Khan in the near future ?

Yes, of course they did want that I should visit Pakistan.

Q. When are you going to Kashmir ?

At present our communications are completely snapped. I do not know when the roads will be clear.

CONSTITUTION NOT ONLY GUARANTEE

For the 26th January—Republic Day—issue of Hindustan Times, New Delhi, Sheikh Mohd. Abdullah gave the following message.

REPUBLIC DAY is at once an occasion for celebration and for some introspection. Celebration is all too appropriate on a day on which the Constitution of India came into force and

the Republic was established.

The Constitution of India is truly a great document inspired as it is by the ideals we cherished in the days of the freedom struggle. It reflects the skill of eminent jurists and the devoted care of Jawaharlal Nehru.

The present sets out those noble ideals. The rest of the Constitution seeks to give it form and shape by establishing a democratic form of government pledged to carry out the Directive Principles of State policy acting at all times subjects to the Fundamental Rights of the citizens.

Respect for the rule of law, the independence of the judiciary, the integrity, of the electoral process to ensure that legislatures truly reflect the popular will are all sought to be guaranteed. It is not surprising that many other countries have drawn upon this constitution, particularly on the chapter on fundamental rights.

Yet, it must at all times be remembered that the Constitution provides the framework and it is for the men who work it to give it life and meaning. In many ways the provisions of the Constitution have been flagrantly isolated in recent years and the ideals it enshrines completely forgotten.

Forces have risen which threaten to carry this suddening and destructive process further still. If allowed to work unchecked Indian democracy, Indias secularism and Indias quest for social justice will all be wrecked.

I therefore appeal on this great day to all to forget petty wranglings and bickerings and to apply their minds to the attainment of those ideals. I am sure that if an earnest and determined effort is made no problem of any nature will prove impossible of solution.

INDIA, PAKISTAN AND KASHMIR

[Mainstream" interviewed Sheikh Mohammed Abdullah. Below is the text of the question and the replies which were published in its Republic Day issue.]

Q. Would you like to give a message on the occasion of

the Republic Day ?

My message on this Republic Day is that the people and Government of India should pledge themselves to implement in letter and in spirit the sentiments expressed in the paragraph which forms the Preamble to the Constitution of India :

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens :

JUSTICE, social, economic and political:

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the unity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day on November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

Q. What, according to you are the steps required for bringing about a closer identity of interests and outlook between India and Pakistan ?

The Fundamental requirement in the behalf would be realization both by the people and Government concerned that their joys and sorrows are largely identical; and in this strategic part of the world, they can effectively play their destined role in world affairs only together. Concrete steps should be taken to so plan the policies particularly the economic policies, wherefrom with the passage of time greater and greater interdependence would flow. The writers and the press can play useful part by always emphasizing areas of agreement rather than those of disagreement. Free inter-communication in all fields, friendship and cultural agreements, and firm conviction in resolving disputes by dialogue, are other steps which should be taken. Always remember that closer identity of interests and outlook, as you put it, will be a process and a growth. Therefore patience and perseverance will be a necessary prerequisite with which we should work.

Q. Would you press for such steps as joint economic projects joint nation-building ventures, such as the harnessing of major rivers like Indus and Brhamaputra which flow through both the countries ?

From my answer to the previous question what you suggest in this one would necessarily flow. With goodwill and determination, you have achieved the Sindh Waters Treaty once considered an un-realizable dream. That should point out the way. In the harnessing of major rivers you have a strong point. The untamed and turbulent rivers spell disaster for both countries and for millions of people. I wonder if the future generations will forgive us if we do not collectively control such forces of potential devastation.

Q. Even before a permanent settlement of Indo-Pak understanding Over Kashmir, is it not possible for the two Governments to take certain immediate steps for freedom of movement and trade between two parts of Kashmir, which is bound to help the people of Kashmir ?

Without conceding the implied priority of two matters mentioned in this question. I am of the opinion that remedial steps in the case of each will be very useful and helpful in moving towards India-Pakistan understanding and amity. But while tackling the one, for instance, freedom of movement and trade etc. do not please ignore or bypass the other, that is, understanding on Kashmir. There is no harm in taking up good things simultaneously and step by step. The prevalent suspicious might make the remedial steps in one direction infructuous if we give the impression that the other matter has been put in the cold storage.

Q. Do you think it is possible to start negotiating on matters of common interest first before up the basic stands on issues under dispute between India and Pakistan ?

I am afraid that what you mention as matters of common interest and those which are issues under dispute between India and Pakistan overlap. I have already indicated above that you cannot take one and leave the other without destroying both.

Q. You have been asking the India Government and political parties in the country to recognise the right of the Kashmir people to decide their own future. Would you not like to raise the same point with the Government and parties of Pakistan with regard to the region of Kashmir which is on the other side of the Cease-fire Line ?

When I refer to Kashmir I have in mind the State of Jammu and Kashmir as it existed on the day of Independence. Therefore my assertion to concede to the people to determine their future, applies to all residing on either side of the Cease-fire Line.

Q. Would you recognise that the Kashmir Valley has received greater attention by way of economic development from the Government of India than the Azad Kashmir area from the Government of Pakistan ?

I have no idea as to what the Government of Pakistan has spent on the development of Azad Kashmir. When I was there in 1964 I had no time to tour the Azad Kashmir area for known reasons. As regards what the Government of India has spent on this side of the Cease-fire Line, I can only say that the Government did provide huge amounts, more particularly since 1953. I need hardly point out today whether these large sums have gone towards the actual development of the Valley or contributed much towards the well-being of the people. The results are before the Indian people.

Q. You have declared that the Kashmiri people under your leadership along with the Indian national movement fought shoulder to shoulder for winning freedom from British Rule. What would you advocate so that the Kashmir people once again can fight shoulder to shoulder with the rest of India for the establishment of a better social order in the interest of common people ? Do you still subscribe to the programme of New Kashmir which the Kashmir national movement had drawn up under your leadership ?

Unfortunately, for last twenty years the position of Kashmir vis-a-vis India and Pakistan has remained unsettled. Its people are subject to divergent pulls by either side. In order to

enable them to play their effective role and fight the common battles against poverty, disease and want, the first requisite would be to finally settle Kashmir's own position. Now Kashmir is a socio-economic programme, aiming at ending exploitation in all fields of economic, political and social life. It is a basic faith by which I stand and for which in my humble way I have made some sacrifice and have undergone some sufferings. One's ideal in life does not change.

Q. You have recognised the Tashkent Declaration as a step in the right direction. What concrete steps would you advocate to follow up from the Tashkent Declaration?

I think my various statements since my release should provide you with the answer to this question. I want the Declaration, that Charter of Peace, to be made meaningful and purposeful by giving it content concretely.

The root cause which led to the armed conflict and the subsequent intervention by the Security Council as well as the USSR, is still alive and must be effectively tackled in order to give meaning and purpose to the Declaration.

Q. Do you think it is possible to envisage certain common digits at the level of State policy between India and Pakistan?

I have said that friendship treaty, cultural agreements, mutual trade agreements, development of river project free movement etc. are some of the steps which should be taken with a view to establish better relations between the two countries, and the State policies should be so shaped as to implement the steps. could be examined. In due time, some sort of common market" could be thought of. Friendly tariff policies so as to supplement and complement each other's trade could be evolved. Further on, more cooperative financial policies governing our banks could also be evolved. But all this and more can happen if the principal source of conflict is first of all tackled and effectively got out of the way.

Q. In the days of the freedom struggle and also in the period upto 1953, your relations with the Left forces in India were not only cordial but very close. What would you suggest for rebuilding the same relationship today? Why is it not

possible for you to take the initiative in the matter ?

No doubt my relations with the progressive forces were cordial, as you suggest. Unfortunately certain sections of the Leftist forces fell victims to misunderstanding about me in 1953. But I feel dust has considerably now. I am doing all that is possible to clear the minds which were clouded by the vested interests who were far from happy with me.

Organiser

[Organiser New Delhi, of the 4th Feb. published the following substance of the special interview to its Editor on 30th January, 1968.]

Q. Before the 1952 elections to the Kashmir Constituent Assembly were held you had said that since a plebiscite was nowhere in sight the Consenbly would finally decide the issue of accession.

Yes, I wanted it that way. But the Government of India did not agree. Pandit Nehru became furious. He said he could not back out of an international commitment. India's representative in the U. N., Shri B. N. Rau, also said more than once in the U. N. Assembly that while Indian States had the right to convene a Constituent Assembly each, the Government of India firmly stood by the pledge to hold a plebiscite in Kashmir. Therefore whatever we did or say with regard to Kashmir's relationship with India should be taken as subje^t to ratification by the people in a free plebiscite.

Then accused me of many things. They even called me a traitor, but before my God if I am not a traitor, it does not harm me what anyone says."

Temporary Accession

About that time there was the trouble of the tribesmen, which is known to every one of you. The Maharaja then asked for aid from India (to meet the trouble). He though that the State being surrounded by four countries—Pakistan, India, USSR and China, who touch its borders—the State should remain independent for which there was scope in the partition scheme. That request for aid could not be accepted as, according to

India, there should be some sort of legal agreement between India and Kashmir before military aid could come. In these circumstances an Instrument of Accession had to be executed by the Maharaja. I insisted that the accession should be temporary, and in due time should be subjected to ratification by the will of the people so that the final decision is to be taken by the people. Sir Gopalaswamy Ayyanger (leader of the Indian delegation in the United Nations) made this position amply clear in the Security Council, and thereafter Pakistan also fell in line. Unfortunately with the passage of time, both the dominions got involved and bogged down in details. The dispute was protracted until one day India announced that Kashmir was an integral part of India, and the question of plebiscite did not arise. We objected to this but were told that as Pakistan had misbehaved, India had chosen this line (of refusal to hold a plebiscite). Thus Kashmir was punished for the sins of Pakistan.

No Betrayal of the People

My grouse is against those conscientious people of the world who interpret the Kashmir question as merely an Indo-Pak dispute, and thus completely by-fie million human beings of the State. We are not cattle or chattel that we can be partitioned and divided. We are human beings, with emotions and aspirations. A human force is capable of facing trials. No military power can deviate us from our determination, nor can repressive laws suppress us in our resolve. It will be only on my dead body that I can be stopped from my determination. On different occasions, different temptations were held out to me, but I have withstood them on the plea that if my people suffer humiliation, it is no use showing respect for me. Even today money and position are offered, but thank God, my faith does not waiver. It is my conviction that power and strength come from adherence to truth and that all courage in me is the result of the trust given to me by the people. I cannot betray them. It is impossible.

You should develop the habit of struggle, and resolve that even if five million people are sacrificed, you will not

compromise the honour and integrity of the people. Freedom was never presented on a platter. It is always achieved through conviction and faith. Remember that life without honour and freedom is not worth living.

Our present plight is the legacy of our past, the result of our own lapses and misdeeds. If we want to achieve our rightful place, we can only do it with our character and good action. If you stand up with faith and face troubles and tribulations, the Almighty will always help you through. God bless you.

At A Reception, Delhi

On January 17, 1968, Jamiatul Ulema Hindu, Delhi Branch, held a reception to meet Sheikh Abdullah at the Chelmsford Club. In mixed gathering of leading citizens and ulemas, Sheikh Saheb thanked the Jamiatul Ulema for their hospitality and warmth.

Replying to their address of welcome, presented by Mufti Ziaul Haq, he said that he was aware of the problems of the Indian Muslims and in spite of his preoccupations with Kashmir problems he was fully posted with the difficulties and critical situations faced by the Muslims of India. Every Muslim, he said, desired that he should have positive leadership who would help them in achieving a place of honour and dignity in India. We are also eager to find out ways and means by which they could achieve that goal. But my considered advice is that you should stand on your legs and not look to other to help you.

Self-analysis

Sheikh Saheb advised the Muslims to have self-analysis and find out their own weaknesses and shortcomings instead of all the time finding fault with and criticising the Hindus. When you build up your own character and overcome your own shortcomings, then a clear and better picture will emerge, counselled Sheikh Saheb.

In your address of welcome you have invited me to serve the whole of sub-continent. I agree with this but first of all I

have to attend to my own people any my own land where I was born. How can I succeed in the sub-continent if I fail to put my own house in order and build up the character of my own people ?

Regarding leadership of Indian Muslims, he said, that they did not require him or any other person to lead them as they had the Holy Quran and life of the Prophet before them which were the best guides. If you do not follow the teachings of Holy Quran and preceptes of prophet Mohammed (Sunnat), then millions of Sheikh Abdullahs cannot solve your problems. You need not look up to any prime minister, president or any party but you should peep in yourselves. True following of Quran and Mohammad can bring about revolution and they have brought about revolutions in the past. The path has been shown to you to tread it. If you can daily practise introspection, early in the morning at prayer time, for only half an hour, and analyse, your acts in the light of principles laid down in Holy Quran and Sunnat then all your worries will vanish and your problems will be solves.

Solve Mutual Disputes

Referring to the present situation in India he said that he sincerely believed that almost all the difficulties, whether political, economical or social, could be solved if India solved her disputes with her neighbors. Due to these disputes billions of rupees had to be spent. But alas ! said Sheikh Saheb, our leaders instead of solving the basic issues waste their energies in superfluous matters. I honestly believe that majority of our problems could be solved if we normalise our relations with Pakistan and solve mutual disputes.

Appeal to Hindus

He said that long before the idea of Pakistan was conceived all the great leaders including Mohammed Ali Jinnah had visualised a united and prosperous India. then why did they change ? He asked the hindus to have self-analysis and enquire from their own-selves as to why Pakistan came into existence. scores of eople are still alive who can tell you the part played by Mohammed Ali Jinnah in Indian politic and he was

considered as one of the top-most national leaders. Jinnah Hall is there in Bombay which tells its own story. Then there were Maulana Mohd. Ali, Shaukat Ali and scores of other Muslim leaders who had made sacrifices for the freedom of India and worked for its greatness. All were then they frustrated and separated from us ? It is upto the Hindus to ponder over the causes. It would be a great service to the country if Hindus, instead of finding fault with others, correct their own mistakes and overcome their own weaknesses. Pakistan was the result of a fear complex among the Muslims. rightly or wrongly they thought that they would not get justice from their elder brother. Now it is up to the elder brother to think over the causes of the fear complex and remove it.

Sheikh Saheb said that against their wishes the country was divided and they had to pay a heavy price for that. However, it was now a reality but it did not mean that a line on the land must be followed up by crossing of heart. In his view partition of the sub-continent was like construction of two separate rooms in one mansion which was necessitated due to quarrels between two brothers. Similarly, Indian sub-continent was one unit and God had made it so. You cannot change the fact of geography you cannot bring Himalayas in between India and Pakistan.

Security of the sub-continent

According to Sheikh Saheb, the sub-continent being one unit its defence was not possible if the two countries looked towards two different directions. He believed that the two countries were complimentary to each other as their rivers flowed into one another and their climatic condition was the same. If fire engulfs the house or earthquake shakes the mansion then both rooms would be doomed, warned Sheikh Saheb.

Sheikh Saheb further said, "The experience of last twenty years is before you. Instead of making progress both India and Pakistan have become satellites of major powers. We the people of older generation, when fighting against a tiny nation of Englishmen who were ruling fifty crores of Indians, had a

bright image of independent India and to achieve that image hundreds of youngmen had sacrificed their lives. Can you forget Bhagat Singh and prisoners of Kakori ? Is the present situation of the country real image of freedom fighters ? The new generation may not appreciate our dreams because they have only witnessed fratricide.

Indo-Pak Relations

"Some people say that idea of Indo-Pak amity is good and they also desired the same but Sheikh Saheb forgets one point that even after the Kashmir dispute is solved Pakistan would continue to abuse us because its conception is based on hatred. They ask me as to how to remove that suspicion."

Sheikh Saheb said that "there are different ways to remove a certain thing. If you agree with me that fear complex was the cause of creation of Pakistan, then remove that fear by acts and deeds, not by mere words and wishes because wish is one thing and practical politics another."

Communal Behaviour & India's Integrity

Referring to the Jan Sangh Sheikh Sahab said that he did not hate them and "if they honestly think that a powerful India was possible only when the Muslims are squeezed out, as they had taken Pakistan then they can enact more Ranchis, Rourkela and uproot the Muslims wherever they are in some strength. Then the Muslims will either leave India or they would become like Harijans. But our duty is to convince them logically that such a policy of theirs was wrong. In twentieth century it is impossible to annihilate six crores of people. Follow up of such a policy would not finish the Muslims but on the other hand it would shatter India's integrity and they want to kill the Muslims for the very integrity of India."

Reverting to Indo-Pak amity he said "For twenty years hatred is being reciprocated with hatred and the results are before everyone. Now please for a while change this course and reciprocate hate with love and see the results. you yourself concede that masses of India and Pakistan have no hatred towards each other and it is only a group of top men which indulges in all this. The ground is fertile and must be taken

advantage of. If you treat their co-religionists in India with fairness and generosity then Muslims in Pakistan will be compelled to revise their attitude and they will think that their fears side and the walls of hatred and suspicions will fall. Hatred cannot be removed by force or by 'danda' but only love can overpower it. As a Muslim it is my faith as taught by Holy Quran, that hate should be removed by love and affection. But, alas ! This method is not being experimented upon. On the other hand Muslims are being killed and looted in an organised way. What had happened in Bihar and Maharashtra is known to every one. Do you realise what reaction it creates across the border ? Instead of removing their fears you are justifying them. They would be justified in asking me, Did we not warn you not to trust India ?"

Cure of Communalism

Referring to his meeting and discussions with Mohammed Ali Jannah, Sheikh Saheb said: "After long political discussion with Jinnah Saheb I told him that unless I was convinced I will not accept the two-nation theory. When I took leave of him he said I am in the age of your father and have greyed my hair in politics. One day you will say that Jinnah was right. I said you might be correct but my mission is to change the course of the tide of hatred and to surrender before it should mean death of humanity. I told him as a Muslim it was my duty to work for the humanity. Though there are certain weaknesses in the Hindus yet as a doctor it is my duty to cure them. In spite of grave condition of a patient a doctor tries his best to revive him; different medicines are given to him as they suit him. A doctor does not inject poison to a dying patient, he does not beat him. I also told him that even among the Hindus there are great leaders like Gandhiji who was abused by a section of Hindus, and a thinking section who are aware of their weaknesses and were trying to remove them. Escapism was no treatment of the disease. However, what trials we have undergone is known to us. The people across the border ask me 'Where is that democracy and rule of law' ? We tell them that obstacles do come in the way and how could we change the course of flood unless we face it ?"

Continuing his speech Sheikh Saheb said: "Hindu masses were told that Sheikh Abdullah was conspiring against India but in spite of a campaign of vilification against me and in spite of spending of millions of rupees in disfiguring my image amongst the Hindus, today when I look to their face I don't find anything except expressions of love and affection. This proves that truth has strength and truth will triumph in the end."

Referring to the statement of Mr. Balraj Madhok, Sheikh Saheb told the audience that he knew him well and did not want to reply to him. His only wish was that may God grant him wisdom and show him the right path. He said "Madok Saheb says he belongs to Kashmir. In 1947 he is reported to have played a very dirty role in Jammu. In those critical days when we were protecting the lives and honour of our Hindu and Sikh brethren he stabbed us in the back by fanning communal disturbances. Nevertheless we did not lose heart and crossing over the river of blood of our brothers, we came to Gandhiji and joined hands with him. It is regrettable that he has presented that deplorable character with pride in Delhi and told the people during his elections that what had happened in Jammu was done under his leadership. Warrants of arrest were issued against him then he fled and took refuge in India. May God show him the path which was shown to India by Gautam, Buddha, Karishan Maharaj and by thousands of 'rishis'."

Cool Minds & Warm Hearts

Sheikh Saheb exhorted his audience to keep their sentiments under check and to keep their minds cool. The heart, he said, must be kept warm as they have to turn the tide. The mistakes committed in the past should not be repeated.

Concluding his speech he said "My services are at the disposal of the whole humanity and I will do my best to serve all. The whole sub-continent is my watan. Regarding my nationality, I have cleared the position. But no one can say that I don't love India which includes Pakistan. I have some love and regard for a poor Hindu of Madras as I have for a

poor Muslim of Bengal. We desire supremacy of humanity. The world is sick of petty squables and wars and there a desire for world Government. Muslims have this background because they believe that every country is my country as God is the creator of all countries.

At Aligarh

On the invitation of their old friend and colleague, Prof. Syed Mahmud Hasan, the former Registrar of Muslim University, Sheikh Mohammed Abdullah and Mirza Mohammed Afzal Beg, paid a visit to Aligarh on 19th of January. After Zohar prayers Sheikh Abdullah addressed a huge gathering mainly of students of the University. Many prominent citizens were also present. He recited the following verse of Iqbal: "Uraye kuchh varq lala ne, kuchh nargis ne, kuchh gul ne, Chaman men har taraf bikhri hui dastan meri."

The Sheikh said "I am grateful for your sentiments of affection. My story is long and it is not only known in Pakistan and India but throughout the world. I have been the student in this University from 1928 to 1930 when I received the degree of M. Sc. in Chemistry here. Consider me as your brother, as I have been intimately associated with the Aligarh atmosphere and I feel great pleasure to be here.

Road side Incident

"While I was entering Aligarh town I was confronted by a few youngsters who were about 20 in number. They stopped my car and told me with due respect, 'We are prepared to receive you. Sir, but declare your nationality first. Are you or are you not an Indian?' My colleague Mr. Beg told them 'Do you want to settle our citizenship on the roadside? We have come to Aligarh and shall tell you at leisure while we are here. Please do come to listen to what we have to say'. The youngsters accepted this. I want to tell you and those young friends that the country was partitioned by the Congress and Muslim League. I was in jail then. But agreed to partition and decided that Muslims should have a separate homeland. This brought into being two independent sovereign States but nature has made India and Pakistan one subcontinent."

Fear the Basic Cause

"I want to tell those young friends of mine who stopped my car that before questioning my nationality, they had better place the Himalayan mountain in between India and Pakistan. It would then be possible for me to identify the part of the sub-continent to which I belong. If you allow yourselves to suffer from prejudices you cannot think freely. We were opposed to the two-nation theory. The Muslims got apprehensive of getting justice at the hands of Hindus, and the British wished that they should not unite. But the Hindu today feels aggrieved as to why the country was divided. I appreciate that sentiment, but let them realise as to why the majority of Muslims fell away from us. They will get the proper answer if they ponder over this. I can also understand the sentiments of those who wish to reunite. But the Hindu here should on the proof of their own action show if they have created a place in their hearts for the Indian Muslims. We see that Musalmans are being slaughtered. Forces are still there which desire to push out the remaining Muslims from here. Hundreds of Musalmans were done to death in Ranchi, you have power and perhaps the backing of administration. But the Muslims seem helpless, relying on their God only. I warn that you cannot finish away the Muslim community like this. These oppressed and harassed Musalmans here, they provide a justification for Pakistan to say "Are you Sheikh Abdullah, satisfied that we were right in our view that Hindu will never be-friend you"? Those who want to create Akhand Hindustan can never do it by killing Muslims."

Past blunders

In a reference to Mr. Jinnah, Sheikh Saheb said, "The Qaid-e-Azam was a great nationalist, a courageous leader. He fought against the British. The top Indian leaders had great respect for him. But just think as to why he cooled away from us. Such thinking will help identify your own lapses. Another great leader was Dr. Ambedkar who played a distinguished role in framing the Indian Constitution. In the Congress circles he enjoyed great status and respect. Even he fell away from the Congress. He was driven to the extent of embracing

Buddhism along with thousand of his followers. Why did this happen ? The answer is in your actions.

"I have studied the Hindu philosophy and read the Gita and the Vedant. Hinduism stimulates high thinking. Gandhiji who was a great leader, left behind him the deep imprint of his love for truth and high character but would you assess your own action ?

Our Free Will

"We came to India of our own, nobody bribed me, nor did the Government of India compel me. When the frontier tribesmen entered our State and were within a few miles of Srinagar, we established contact with Indian leaders, on the basis that as soon as conditions were normalised we shall by exercise of our own free will settle finally our relationship with India or Pakistan, or decide to remain independent. You will recall that the Moghul, the Sikh and the Dogra rulers had made Kashmir a pleasure hunting ground. Actually they had no love for the people of the place. They only used them to satiate their lust for luxury. Our ancestors, no doubt, committed mistakes, and we are paying for them.

Sovereignty of the People

"In my early boyhood, I had resolved to struggle for freedom. Accordingly along with my companions I came into the field in 1931. The anchor-sheet of our movement was Sovereignty does not belong to an individual, it vests in the people at large. Irrespective of caste or creed, it is the people who are sovereign. Every Kashmiri has a right to live a life of honour. The Indian National Congress, its leaders, supported this stand. In fact there was identity of objectives between the two our movement gathered momentum not only in Kashmir but throughout the princely states in India.

"In 1947 these princely states were given the right either to accede to India or Pakistan or stay independent. But when conditions in Kashmir deteriorated the Maharaja fled from there. India and Pakistan were then at loggerheads, being involved in the fire of communal frenzy. Mr. Liaquat Ali Khan the Prime Minister of Pakistan had claimed that country had been

divided on religious basis (and therefore we as Muslims automatically should join Pakistan). But we could not accept this, because we were not mere cattle and would not allow ourselves to be driven here or there by anybody. The decision should rest with us, the people of Kashmir. And in that decision not only the Muslims, but Hindus, Sikhs, Christians and others should freely participate."

Teachings of Quran

"The holy Quran and our Prophet have taught us that we should not inflict harm or injury on our neighbour, that we may even sacrifice our lives if our neighbour is in danger. Our concept of the Almighty is that He is not only the Creator and Protector of Muslims but that of the whole universe. The Prophet is not the source of bliss and blessings to Muslims alone but of the whole world which embraces all. There may be some bad things in Hindu society, but we should reform them with love. We had shaken our hands with Gandhiji, at a time when rivers of blood were flowing. We have come to be your brothers. Those who ask me if I am an Indian citizen or not, they had better enquire of their leaders on what ground I was put in prison for 14 long years. India is a great democratic country, professing high ideals, which had attracted us to Indian leaders. But what have we received in return? Please think of that seriously. India and Kashmir once stood for one principle. Pandit Nehru had declared both in the Security Council and the Parliament that it is the people of Kashmir who have the right to decide, and that the army will stay in Kashmir only until the order is restored. I had come to you as your brother, and what brotherly treatment have I meted out to me."

Breach of Faith

"No one can produce any proof that, I ever let down India or proved faithless. Without framing any charge against me, I was put in jail for 14 years and bullets were shot on my companion, those who had shouted Gandhiji and Panditji's slogans. Through your own actions you have shown that neither honour, property nor person of the people is safe (in Kashmir). You will not forget that Pakistan had branded me as their enemy No. 1 and had put a price on my head. But I

thought you as my brothers and had expected human treatment.

Obstruction in Settlement

"With us the briggest jehad is to confront an oppressive ruler with what is truth. It is alleged that Kashmir Constituent Assembly has settled the question of accession with India. The allegation is untrue because what the Assembly settled was done when I and my colleagues were clamped in prison, and whoever participated in the Assembly did so under intimidation and duress and bribery. You thus yourselves do not allow to settle the question of nationality.

"The accession between you and us is temporary. It is the people of Kashmir who are eligible to decide to accede to India or Pakistan or remain independent. The dissension of the two countries have drained off colossal amount of money. India needs raw jute but can't buy it from Pakistan. On the other hand Pakistan needs coal but does not get it from India. In these tensions hundreds of millions of rupees are sunk in military preparations. Actually they are two countries merely in name. If their hearts were one, outlook identical and were they to march in step with one another things would be different. It is the bounden duty of every Hindu, Muslim and Christian to help establish friendly relations between the two."

Advice to the Youth

"You youngmen have to hold reigns of this country and raise her status. I am aware of your aspirations. I have only one advice to give you; be a Muslim and a true one. Always get guidance from Quran and sunnat. I then, have no doubt that you will change the fate of this country. You are sixty million (6 crores) in number. Your ancestors were only 313 who changed the history of the world and shaped the destinies of the people. Repose faith in God and His Prophet, you will then change your destiny also. In India live as true Muslims, following the precepts of the Prophet of Islam, so that, the Hindu brethren are attracted towards you with love and affection.

"Ki Mohammed se wafa tu ne to ham tere hain;
Yeh jahan cheez hai kiya, lauh-o-qalam tere hain."

9

Views of Nehru

I

There has been in the past so much said, so many papers written, so many reports made about Kashmir that so far as we are concerned, we have got, I think, about 10 fat printed volumes of these papers. It is quite impossible to keep pace with them or to remember these thousands of papers and other things that have been written. Therefore, there is possibly a tendency, not in this House, but generally, of forgetting certain basic facts. I am surprised at the ignorance often shown by eminent foreign observers and by the foreign Press. Whether it is an assumed ignorance or not, I do not know, but there it is.

Established Facts

Therefore, I want just to refresh the memory of this House by repeating a few of the salient facts, Hon. Members will forgive me if I do not mention everything because I cannot,—and I do not want anyone to criticise me afterwards, 'Oh, he did not mention that'—there are too many things, the story is too long a one. But basically, it begins in the last half of October, 1947 when there was an invasion of the Jammu and Kashmir State through Pakistan and by Pakistan. Now, there can be no doubt about the aggression by Pakistan. There are many factors which may be argued about; we say one thing and

Pakistan may say another. But there are some facts which, I believe are above argument. They are established. Of course, some person may argue about everything. But broadly speaking, one may treat them as established—those facts.

Now, the first established fact is that there was aggression by Pakistan in October, 1947 resulting in widespread killing, destruction and loot. This, being the initial fact governing this whole Kashmir affair, must be remembered, because everything subsequently flowed from it and everything and every decision that may be taken, every consideration that may be given to the Kashmir problem, has always to keep this basic fact in mind.

Quite apart from the position of India in regard to Kashmir—I shall go into that—there was no shadow of justification for Pakistan to be there, to commit this aggression.

Now, the second fact to be remembered is that legally and constitutionally, Kashmir acceded to India. There is no doubt about it. This also is an undoubted fact. You may criticise the speed with which this was done, the manner of it, but the fact is that, legally and constitutionally, the State of Jammu and Kashmir acceded. Therefore, it became the duty of the Indian Union to defend, to protect, Kashmir from aggression and drive out the invaders. I would go a step further and say that even if Kashmir had not acceded to India, even then it would be our duty to defend it. I am trying to develop a constitutional argument in stating the point. It is because of India being a continuing entity. That is, we were India and we are India and a part of it went out, opted out, let us say, and became Pakistan. We allowed it to opt out. Now, whatever did not opt out remained with India till such time as something was done, some decision was taken. That is, our responsibilities continued in regard to every part of what was India until that part deliberately and positively became, not India. I am even taking into consideration that no final decision had been taken about Kashmir's accession to India; but the fact that it was not in Pakistan itself cast a duty upon us to protect it against any attack. But, however, this point does not arise because in effect it did accede to India.

Momentous Decision

Remember that all this was in the first 3 or 4 months of our independence. With our background, we were very anxious to avoid military operations. We had to send some troops to Kashmir and I well remember the tremendous concern and anxiety with which we considered this question. For two days we considered it. The first day, that is, the day after we got news of this invasion the next day we met in the Defence Committee and considered it for hours. We were in a very difficult position because we could not obviously and easily send any help. We did not have any proper Air Force then—even aircraft. Then, we waited for a day and a half and when we heard further news of this destruction and loot, etc. at great risk and with great difficulty it was decided—I think at 6 in the evening in our Defence Committee—to intervene knowing that it was a very difficult work and involved great risks for us. And, all the night preparations were made to send some two or three hundred. We had no aircraft; we had to stop all the private airlines and use them and at six o'clock next morning we sent these 250 or odd people.

Encounter with Pakistan Army

At that time we did not know—though we knew that Pakistan was aiding and abetting these persons—that we were to come face to face with the Pakistan Army. We thought that we will be fighting the tribal people and we thought that 200 or 300 would be enough to deal with the tribal people. If I may say so, it was a piece of organisation work for the decision having been taken at 6 o'clock in the evening and by 5 o'clock the next morning they were gone. It is not very big if you are an organised country, but just after independence and when everything was in a state of flux, it was a difficult thing. These 250 or so arrived there almost at the last moment at the last moment. If they had arrived, may be, 12 hours later, it might have been too late. That is so far as the city of Srinagar was concerned.

Then other things happened and these people and some other forces that went gradually drove out these tribal invad-

ers from the valley up a little above the valley up to a place called Uri where suddenly they found something much more than the tribal people. They found the Pakistan Army entrenched there in Kashmir territory. Obviously, it became difficult for our small force—which was at that time perhaps about a thousand or so—to push out an entrenched regular Army. Since then, of course, operations took place between the Indian Army and the Pakistan Army, these tribal folk faded and they did not count for much.

When we say this, we gave a great deal of thought to it. As you know, as the House knows ultimately we referred the matter to the Security Council. Many people have criticised us for doing that. As I said, it is easy to be wise after the event. But I think, it was a right step to take and there is no doubt in my mind that the matter would have gone there whether we took it or somebody else took it.

Gandhi's advice

Answering an interruption by Shri H.V. Kamath, Shri Nehru said, "The Hon'ble Member has mentioned Mahatma Gandhi's name. I do not like to bring in his name, but as the Hon'ble Member has mentioned it I shall say something about him in this connection.

When this first invasion took place in Kashmir and we sent our soldiers, I was very greatly worried. All our upbringing had been against war and for peace and our plunging in here and taking these risks of war developing upset me very much. And, naturally, I went to Mahatma Gandhi to seek his advice. I did not wish to drag him into this picture, but I could not help doing it as long as he was here. And, his advice was that in the circumstances it was the duty of India to go to the rescue of Kashmir with arms, with Armed Forces.

Subsequently when we had decided or were considering the question of our going to the United Nations, I remember taking to him the draft which we had prepared of the memorandum for the United Nations and showing it to him and consulting him about the phraseology of it and I think he

made some suggestions in regard to it which we tried to embody.

It is not fair for me now or at any time to take shelter under Gandhiji's advice in this matter and I do not wish the House to imagine that I am doing so. But the Hon'ble Member opposite suddenly mentioned his name. I only wish to say that the decision was ours, not his, but at no time did I lose touch with him or his counsel in this matter. And we tried to adapt our own views as far as we could in the circumstances under his advice.

Pakistan's denial & later confession of aggression

When this went to Security Council, they put in long memoranda and they were supported later by very very long speeches. In these memoranda it was stated very stoutly and very strongly that Pakistan had not committed any aggression and invasion nor had it aided or abetted anybody to commit aggression. There was an absolutely complete and total denial of what we said. Having done that, they brought in all kinds of other issues; they talked about genocide, not in Kashmir but in Delhi, Punjab and all over; they talked about Junagadh and some other States in Kathiawar.

In fact, the greater part of the memoranda was dealing not with the Kashmir issue, which they slurred over and about which they said they had nothing to do with, but with other matters. It will be interesting for the House to remember that they said to the security Council, "You must consider and decide all these questions-genocide, Junagadh, etc., and they must be decided together with Kashmir simultaneously" I am representing all this to show the mental attitude of Pakistan, first the the complete denial of everything, and only a little later they had to admit these things which they had denied, and then trying to divert the mind of the Security Council to problems which did not arise in that connection. I must confess that I was very much taken aback by this tissue of lies that had been put forward by the Pakistan representative before the Security Council. Naturally we tried to answer that in terms of fact; we produced pictures and what not. It is inter-

esting for this House to know that lately, in the last year or so, there have been quite a number of statements from prominent people in Pakistan, in the North West Frontier Province of Pakistan, giving details of how they organised this raid from Pakistan, not only details but demands made by one party in the North West Frontier Province on the other for the amount spent in organising it and trying to recover it. Also, only recently, there was a statement by one of the leading officers admitting it. I am merely pointing out how Pakistan was basing its case in the Security Council; it is something which can only be described as completely false and they had to admit it as false later. When the U.N. Commission came here, then it became quite impossible for Pakistan to say that their forces were not there—because the U.N. Commission would see them there. It was then that they admitted that their forces were there. They said it subsequently, not originally. They might have mentioned it in the U.N. debate which was taking place only a little before; they did not do so. It was only under compulsion, when they were going to be found out completely, that they admitted it.

In the U.N. Resolution, I think on the 13th August 1948, it was stated:

“The Commission recognise that as the presence of troops in the territory of the State of Jammu and Kashmir constitutes a material change in the situation, since it was represented by the Government of Pakistan before the Security Council the Government of Pakistan agrees to withdraw its troops from the State.”

This was the Commission's recommendation. Please observe the language; it is mildly put. “As the presence of troops in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan she agrees to withdraw its troops from the State”—it is a mild way of saying that they had told a lie in the Security Council there and they found the troops here—a material change in the situation as it was represented. Privately the Commission people told us that of course all this

was falsely stated, it was complete aggression, but they added, "We have come here to settle the matter peaceful and if we go about publicly condemning everybody, it will become difficult to settle it." So, they tried to avoid giving expression clearly on their decision on aggression, which they admitted and which, in fact, indirectly they stated too.

Pakistan's failure to fulfil pre-conditions for Plebiscite

The point now to remember is that because of this admission of aggression, the first thing they required was for Pakistan to withdraw its armed forces from the area of the State occupied by it. That was the first thing. There was a great deal of talk about plebiscite and a good deal of talk as to what India should and should not do. But throughout this period, the first demand of the United Nations has been in every respect the withdrawal of Pakistan forces from that area occupied by them. Other factors came later. We were asked later to withdraw the bulk of our forces, that is, on Pakistan withdrawing from that area, we were asked, to relieve tension, to withdraw the bulk of our forces, but retain our army in the State in order to give it protection. The right of our army to be there was recognised but it was stated that since Pakistan is withdrawing completely from Jammu and Kashmir State, India also can reduce her forces as that would tend to bring about a better atmosphere. It is agreed. But the point I wish the House to remember is that the first essential should be the withdrawal of Pakistan armed forces from that area of the State which they had occupied. Today, 8½ years after that, these armed forces are still there. All this talk of plebiscite and other things is completely beside the point. In fact, those questions only arose when Pakistan had taken a certain step, that, withdrawal of armed forces. And Pakistan is out of court till it performed its primary duty but getting out of that part of the Jammu & Kashmir State on which it committed aggression. This is a major fact to be remembered. Many attempts were made during these years—discussions etc—to deal with conditions laid down in the U.N. Resolution; I am not going into all that detail.

I have mentioned one essential thing. There were many other conditions—pre-requisites—to plebiscite. Well many attempts were made. They did not yield results. I am not going into detail as to whose fault it was. The fact is that they did not yield results.

Kashmir Marches Ahead

It has been found that the Government of India and the Government of Jammu and Kashmir State could not remain continually in a state of suspended animation in regard to Kashmir; something had to be done. Years have passed and then certain steps were taken by the Jammu and Kashmir Government with the concurrence of the Government of India, to elect, to convene a Constituent Assembly. That was done. We stated even then that actually the Constituent Assembly was free to decide any Constitution it liked, but we made it clear that we continued to be bound by our international commitments. More years passed and while on the one hand Pakistan continued to occupy a part of the State on which they had committed aggression, the Constituent Assembly proceeded to draw up the Constitution of the State and passed very important measures of land reforms great development works were undertaken and the people of the State, except those under the forcible occupation of Pakistan, made progress. Jammu and Kashmir experienced more prosperity under their own Government than they had at any time previously in living memory or before. A very simple test of this is the number of visitors who had gone to Kashmir experienced more prosperity under their own Government than they had at any time previously in living memory or before. A very simple test of this is the number of visitors who had gone to Kashmir last year. An unprecedented number of 50,000 went there. At no time, even during the war, had such numbers gone there.

Prosperous Kashmir

Eight or nine years have passed and these major changes took place and the Kashmir people were settled. I cannot speak with the authority about the other side and the changes

that have taken place there. The Governor-General of Pakistan—I mean, now the President—and others repeatedly talk about the object slavery of the people of Jammu and Kashmir State is not a closed book on the subject. 50,000 tourists went there and if there is one thing which is well established, it is this that the State had never been so prosperous before.

It is not for me to say what the state of people on the other side of the cease-fire lines is. But notice that there a continuous attempt by people on that side to come over to this side to share in the prosperity.

Military Aid to Pakistan

Well, all this was happening and we are discussing various ways with the Prime Minister of Pakistan and a new development took place. This was the promise of military aid from the U.S.A. to Pakistan—a promise which was subsequently fulfilled. This created not only a new military situation but a new political situation; and the procedure thus far followed by us became out of date and had to be viewed afresh. That situation has become progressively worse because of the flow of this military aid to Pakistan and the conclusion of SEATO and the Baghdad Pacts. In our discussing or considering this question of Kashmir with Pakistan representatives and others, apart from legal and constitutional issues, we have this practical aspect of it in mind; that is, we wanted to promote the happiness and freedom of the people of Kashmir and we wanted to avoid any step being taken which would be disruptive, which would upset things which had settled down and which might lead to migration of people this way or that way and which further, if that happened, would again lead conflict with Pakistan which we wanted to avoid; because, while we were desirous of settling this Kashmir problem with Pakistan, there was no settlement of the Kashmir problem if that itself—the manner of settling itself—would lead to conflict with Pakistan. So this is an important consideration; because, as things settle down, any step which might have been logical some years back becomes more and more difficult; it means uprooting of things that have become fixed—legally, constitutionally and practically.

Pakistan asked to face Facts

We pointed this out last time when the Prime Minister of Pakistan came here. I pointed this out; "You can talk to me; you have talked for the last five or six years about these preconditions laid down previously in the UN Resolution. We have not come to an agreement. The departure off the Pakistan armed forces itself has not take place. I am prepared to talk to you, if you like, on the subject but it is not very likely that, when we have failed for the last five or six years, we are likely to come to a rapid agreement, more especially when new factors have come" They came in a little later—these factors military aid, etc., which have changed the situation completely and all our previous discussions had to be abandoned because the basis of discussion has changed—the military aspects, apart from the political aspect. I said. 'You must recognise facts as they are. It is no good proceeding on the basis of old things ignoring the existing facts.

Constitutional developments have taken place both in our Constitution and that of the Jammu and Kashmir State. As perhaps Hon'ble Members will remember, we have in our Constitution laid down that we could not agree to any change in regard to the Jammu and Kashmir State without the concurrence of the Jammu and Kashmir Constituent Assembly. That is the constitutional position. I pointed this out to the distinguished representatives from Pakistan who came here.

So the Deadlock Continues

Meanwhile, another thing was happening. I will mention it it is not directly concerned with us but it did somewhat concern the people of Kashmir indirectly. It was development in West Pakistan—that is, the creation of one unit in West Pakistan. Now, as a consequence of all these factors, I have made it quite clear to the Pakistan representatives that while I am prepared to discuss any aspect of this question, if they want to be realistic, they must accept the changes and they must take into consideration all that had happened during these seven or eight years and not talk in the terms of eight or nine years ago. Well, they did not quite accept that position

and there the matter ended. Now, the only alternative, I said, was the continuing deadlock in our talks.

'No War' Declaration

I had offered sometime back a No-War declaration to the Pakistan Government that, under no circumstances, would India and Pakistan go to war for the settlement of any dispute. There was considerable correspondence. Nawabzada Liaquat Ali Khan, who was then the Prime Minister, did not agree to that because he said : 'Before you make that declaration, you must settle the questions at issue or you must agree to their being settled—inevitably settled or automatically settled, rather by some process like arbitration, etc., I pointed out to him that I would very gladly settle these questions but we had already made various attempts and we could not succeed.

I thought that by a no-war declaration a new atmosphere would be created which would help us in settling them. I said, let us consider advance in both lines. Further I said, when you talk to me to bind myself down to strict schedule the question of dispute arises. When a dispute arises it is referred to for conciliation for one month may be two months, one month more for mediation, or two months and then arbitration. Within 4 or 5 months it is over. I said, I am not aware of any country having committed itself to arbitration about any problem, political or other, that might be raised in the future. I said I am not aware of this because when we fix our sovereignty it fixes matters of high State policies which can only be considered by the countries concerned. There are many other questions which can be settled otherwise. So, to ask us to commit ourselves in the future in this way was not a wise or feasible approach. There the matter ended.

Now, the present Prime Minister of Pakistan has again mentioned this matter and I gladly welcome his proposal. But it is clear that we must not tie ourselves in a no-war declaration with all kinds of conditions, etc. Then you get the same vicious circle, you must settle first and then make a no-war declaration; if you settle everything then it is not necessary to have a no war declaration and this business of trying to

commit us to arbitration.

I want to be quite frank with this House and with the Pakistan Government. Having had 9 years of this Kashmir affair in changing phases and this problem affecting certainly the people of Jammu and Kashmir State, affecting India in a variety of ways, affecting our Constitution and our sovereignty, affecting our vital interests, am I to be expected to agree to some outside authority becoming an arbitrator in this matter? I cannot understand. No country can agree to this kind of disposal of vital issues. But I do think that since we both agreed, both Pakistan authorities and we, that on no account should we go to war at each other, that we should settle our problems peacefully they may not be settled for some time. It is better to have a problem pending than to go to war for it. Therefore it would be a very desirable thing, helpful thing to have a no war declaration.

Border Incidents and UN Observer's Verdict

One thing more. Pakistan President said with great force that in all these border incidents, in every one of them, India was guilty. Well, any number of incidents have occurred I cannot discuss each one of them, and it may be that even if I have one case they may have another in regard to it. But at least in regard to 10 incidents on the Jammu border the United Nations Observers stated that Pakistan was the aggressor. So I take their word for it. But again I would repeat what I said here in my statements the other day, about the Nekowal incident. The Nekowal incident stands out in a stark manner not because 12 persons were killed—that is bad enough—but in the way it has been dealt with by the Pakistan Government. Now, the present President of the Pakistan Republic was in Delhi when we received the report of the U.N. observers in regard to this incident. It was handed over to him and to the then Prime Minister. They assured us, and in fact the Prime Minister stated in public, that they would deal with and punish those who were found guilty by the U.N. Observers. This is not our opinion which might be challenged by Pakistan. This was the opinion of the U.N. Observers after the enquiry. Anyhow, they had themselves said that they would carry out

the job and punish the guilty. I am astonished that a year or more has passed and nothing has been done. I am still further astonished that statements should be made that we are the aggressors in all these incidents.

No ill-will to Pakistan

I am afraid I have taken a great deal of the time of the House, but I did wish to refer to the Kashmir matter in some detail and to bring out some basic facts. I hope that the Pakistan Government and the people will consider these basic facts and realise that we mean no ill to them—to Pakistan it will be absurd for us to mean any ill to them because our prosperity is connected with their prosperity. We want to be friends with them. We want to be friends with them. We want to settle all our problems in a friendly way and I am sure we can settle them if our approach is a friend's approach.

Nehru on Kashmir

(Speech in the Lok Sabha, 20 March, 1956)

II

I have taken a good deal of the time of the House, but there is one matter I should like to deal with slightly more fully, and that is Kashmir. There has been in the past so much said, so many papers written and so many reports made about Kashmir that we have, I think, about ten bulky printed volumes of these papers. It is impossible to keep pace with them or to remember all the things that have been written. Therefore there is possibly tendency, not in this House but generally of forgetting certain basic facts. I am surprised at the ignorance often shown by eminent foreign observers and by the foreign press. Whatever it is assumed ignorance or not, I do not know, but there it is.

Therefore, I want just to refresh the memory of this House by repeating a few of the salient facts. Hon. Members will forgive me if I do not mention everything, because I cannot. I do not want anyone to criticize me afterwards for not mentioning some point or other. There are too many of them the story is

too long. But basically it begins in the last half of October 1947 when there was an invasion of the Jammu and Kashmir State through Pakistan and by Pakistan. Now there can be no doubt about this aggression by Pakistan. There are many factors which may be argued about we may say one thing and Pakistan may say another. But there are some facts which, I believe, are above argument. They are established, though there are some persons who argue about everything.

The first established fact is that there was aggression by Pakistan in October 1947 resulting in widespread killing, destruction and loot. This, being the initial fact governing this whole Kashmir affair, must be remembered, because everything subsequent flowed from it. Every decision that may be taken, every consideration that may be given to the Kashmir problem, has always to keep this basic fact in mind.

Quite apart from the position of India in regard to Kashmir—I shall go into that presently—one thing is perfectly clear, that there was no shadow of justification for Pakistan for committing this aggression.

The second fact to be remembered is that legally and constitutionally, Kashmir acceded to India. This also is an undoubted fact. You may criticize the speed with which this was done and the manner of it. But the fact is that legally and constitutionally the State of Jammu and Kashmir acceded to India. Therefore, it became the duty of the Indian Union to defend and to protect Kashmir from aggression and drive out the invaders. I would go a step further and say that even if Kashmir had not acceded to India, even then it would have been our duty to defend it, because constitutionally India was a continuing entity. That is, we were India and we are India. A part of it went out, opted out, let us say, and became Pakistan. We allowed it to opt out. Now, whatever did not opt out remained with India till such time as some other decision was taken. That is, our responsibilities continued in regard to every part of what was India until that part deliberately and positively became not India. I am even taking into consideration that no final decisions had been taken about Kashmir's

accession to India; but the fact that it was not in Pakistan itself cast a duty upon us to protect it against any attack. However this point does not arise because in effect it did accede to India.

Remember that all this was in the first three or four months of our independence. With our background, we were very anxious to avoid military operations. We had to send some troops to Kashmir and I well remember the extreme concern and anxiety with which we considered this question. For two days we considered it. The first day, that is, the day after we got news of the invasion, we met in the Defence Committee and considered it for hours. We were in a very difficult position because we could not obviously and easily send any help. We did not have any proper Air Force then. We waited for a day and half and when we heard further news of this destruction and loot, at great risk and with great difficulty, it was decided—I think at six in the evening in our Defence Committee—to intervene, knowing that it was a very difficult work and involved great risks for us. And all the night preparations were made to send some of our forces. I think we could altogether send some two or three hundred. We had no aircraft; we had to stop all the private airlines and use them. And at six o'clock next morning we sent these two hundred and fifty odd people.

At that time we did not know—though we knew that Pakistan was aiding and abetting these persons—that we were to come to face with the Pakistan Army. We thought that we would be fighting the tribal people and we thought that two hundred or three hundred would be enough to deal with the tribal people. If I may say so, it was some piece of organization work, that, with the decision having been taken at six o'clock in the evening, by five o'clock the next morning they were gone. It is not very big if you are an organized country, but just after independence when everything was in a state of flux, it was a difficult feat. These two hundred and fifty or so arrived there almost at the last moment. If they had arrived twelve hours later, it might have been too late. That is so far as the city of Srinagar was concerned.

These people and other forces that went there drove out those tribal invaders from the Valley up to a place called Uri where they suddenly found something—not just the tribal people, but much more. They found the Pakistan Army entrenched in Kashmir territory. Obviously, it became difficult for our small force—which was at that time perhaps about a thousand—to push out an entrenched regular army. After that, of course, the operations were between the Indian Army and the Pakistan Army, and the tribal folk faded away and counted for very little.

When we saw this, we gave a great deal of thought to it. As you know, as the House knows, ultimately we referred the matter to the Security Council. Many people have criticized us for doing that. As I said, it is easy to be wise after the event. But I think it was a right step to take and there is no doubt in my mind that the matter would have gone there whether we took it or somebody else took it.

Shri H.V. Kamath: Mahatma Gandhi advised against it.

Shri Jawaharlal Nehru: The hon. Member has mentioned Mahatma Gandhi's name. I do not like to bring in his name but as the hon. Member has mentioned it I shall say something about him in this connection.

When the first invasion took place in Kashmir and we sent our soldiers, I was very greatly worried. All our upbringing had been against war and for peace and our plunging in there and taking these risks of war upset me very much. And, naturally, I went to Mahatma Gandhi to seek his advice. I did not wish to drag him into the picture but I could not help doing it as he was there. His advice was that in the circumstances it was the duty of India to go to the rescue of Kashmir and to go with Armed Forces.

Subsequently, when we had decided or were considering the question of our going to the United Nations, I remember taking to him the draft which we had prepared of the memorandum for the United Nations and showing it to him and consulting him about the phraseology. I think he made some suggestions which we tried to embody. It is not fair for

me now or at any time to take shelter under Gandhiji's advice in this matter and I do not wish the House to imagine that I am doing so. But the hon. Member opposite mentioned his name abruptly. I only wish to say that the decision was ours, not Gandhiji's but, at no time did I lose touch with him or his counsel in this matter. And we tried to adapt our own views, as far as we could in the circumstances, to his advice. When this case went to the Security Council, Pakistan submitted long memoranda which were supported later by very long speeches. In these memoranda it was stated very stoutly and very strongly that Pakistan had not committed an aggression. There was a complete and total denial of what we said. Having done that, they brought in all kinds of other issues; they talked about genocide, not in Kashmir but in Delhi, Punjab and all over; they talked about Junagadh and some other States in Kathiawar.

In fact, the greater part of the memoranda dealt not with the Kashmir issue, which they slurred over the about which they said they had nothing to do, but with other matters. It will be interesting for the House to remember that they asked the Security Council to consider and decide all these questions, genocide, Junagadh, and so on, together with Kashmir, simultaneously. I am repeating all this to show the mental attitude of Pakistan. First they completely denied everything, and only a little later they had to admit what they had denied. Then they tried to divert the mind of the Security Council to entirely different problems which we had not mentioned and which had not arisen in that connection. I must confess that I was very much taken aback by this tissue of lies that had been put forward by the Pakistan representative before the Security Council. Naturally, we tried to answer that in terms of fact; we produced pictures and proofs. It is interesting for this House to know that lately, in the last year or so, there have been quite a number of statements from prominent people in Pakistan, particularly in the North-West Frontier Province of Pakistan, giving details of how they organized this raid from Pakistan; and demands have been made by one party in the North-West Frontier Province on the other for the amount spent in organizing it. Also only recently there was a statement

by one of the leading officers admitting this participation. I am merely pointing out how Pakistan was basing its case in the Security Council; it is something which can only be described as completely false and they had to admit it as false later. When the U.N. Commission came here, then it became quite impossible for Pakistan to say that their forces were not there—because the U.N. Commission would see them there. It was then that they admitted the presence of their forces. They said it subsequently, not at the outset. They might have made this admission in the U.N. debate which was taking place only a little earlier, but they did not do so. It was only under compulsion, when they were going to be found out completely, that they admitted it.

In the Resolution of August 13, 1948, the Commission proposed that:

“As the presence of troops in the territory of the State of Jammu and Kashmir constitutes a material change in the situation since it was represented by the Government of Pakistan before the Security Council, the Government of Pakistan agrees to withdraw its troops from the State. ”

This was the Commission's recommendation. Please observe the language; it is mildy put. “As the presence of troops in the territory of State of Jammu and Kashmir constitutes a material change in the situation since it was respresented by the Government of Pakistan” is a mild way of saying that they had told a lie in the Security Council but that the Commission found the troops here. That is what is meant by a material change in the situation. Privately the Commission people told us that a lot of falsehood had been stated and that there was complete aggression; but they added, “We have come here to settle the matter peacefully and if we go about publicly condemning everybody, it will become difficult to settle it.” So, they tried to avoid giving expression clearly to their finding on aggressiosn, which they admitted and which, in fact, indirectly they stated too.

The point now to remember is that because of admission

of aggression, the first thing the Commission required was that Pakistan should withdraw its Armed Forces from the area of the State occupied by it. That was the first thing. There was a great deal of talk about plebiscite and a good deal of talk as to what India should and should not do. But throughout this period, the first demand of the United Nations has been in every respect the withdrawal of Pakistan Forces from that area occupied by them. Other factors came later. We were asked to withdraw the bulk of our Forces later, that is, on Pakistan withdrawing from that area. We were asked, to relieve tension, to withdraw the bulk of our Forces, but retain our Army in the State in order to give it protection. The right of our Army to be there was recognized, but it was stated that since Pakistan was withdrawing completely from Jammu and Kashmir State, India also could reduce her Forces as that would tend to bring about a better atmosphere. The point I wish the House to remember is that first essential was the withdrawal of Pakistan's Armed Forces from that area of the State which they had occupied. Today, eight and a half years after that, those Armed Forces are still there. All this talk of plebiscite and other things is completely beside the point. In fact, those questions would arise only when Pakistan had taken a certain step, that is, withdrawal of Armed Forces. And Pakistan is out of court till it performs its primary duty by getting out of that part of the State on which it has committed aggression. This is a major fact to be remembered. There were many other prerequisites for a plebiscite. Well, many attempts were made. They did not yield results. But the Government of India and the Government of Jammu and Kashmir State could not remain continually in a state of suspended animation in regard to Kashmir; something had to be done. Certain steps were taken by the Jammu and Kashmir Government with the concurrence of the Government of India, to elect and convene a Constituent Assembly. That was done. We stated even then that actually the Constituent Assembly was free to decide any constitution it liked but we made it clear that we continued to be bound by our international commitments.

More years passed and while ;on the one hand Pakistan

continued to occupy a part of the State on which they had committed aggression, the Constituent Assembly proceeded to draw up the Consitution of the State and it passed very important measures of land reforms. Great development works were undertaken and the people of the State, except those under the forcible occupation of Pakistan, made progress. The people of Jammu and Kashmir experienced more prosperity under their own Government than they had at any time previously in living memory or before. A very simple test of this is the number of visitors who went to Kashmir last year—fifty thousand, an unprecedented number.

Eight or nine years have passed, and the people of Kashmir have settled down to work. The Governor-General of Pakistan—I mean, the President—and others repeatedly talk about the object slavery of the people of Jammu and Kashmir State under the present regime. I really do not know why they should talk in this irresponsible manner. Jammu and Kashmir State is not a closed book. Fifty thousand tourists have gone there and if there is one thing which is well established, it is that the State has never been so prosperous before.

It is not for me to say what the state of people on the other side of the cease-fire line is. But I notice that there is a continuous attempt by people on that side to come over to this side and share in the prosperity.

We were discussing various ways of settling the question with the Prime Minister of Pakistan when a new development took place. This was the promise of military aid from the U.S.A. to Pakistan—a promise which was subsequently fulfilled. This created not only a new military situation but a new political situation; and the procedure thus far followed by us became out of date and had to be viewed afresh. That situation has become progressively worse because of the flow of this military aid to Pakistan and the conclusion of the SEATO and Baghdad Pacts. Apart from the legal and consitutional issues, we have this practical aspect to remember in discussing the question of Kashmir with Pakistan representatives and others. We want to promote the happiness and freedom of the

people of Kashmir and we want to avoid any step being taken which would be disruptive, which would upset things that have settled down and which might lead to migration of people this way or that way and which, further, would again lead to conflict with Pakistan. There is no settlement of the Kashmir problem if the manner of settling it leads to fresh conflict with Pakistan. As things settle down, any step which might have been logical some years ago becomes more and more difficult; it means uprooting of things that have become fixed, legally, constitutionally and practically.

We pointed this out the last time the Prime Minister of Pakistan came here. I told him: "You can talk to me; you have talked for the last five or six years about these preconditions laid down previously in the U.N. Resolution. We have not come to an agreement. The departure of the Pakistan Armed Forces itself has not taken place. I am prepared to talk to you, if you like, on the subject, but it is not very likely that, when we have failed for the last five or six years, we are likely to come a rapid agreement more especially when new factors have come into the picture." All our previous discussions had to be abandoned because the basis of discussion had changed. I told him that facts had to be recognized as they were. It was no good proceeding on the basis of old things, ignoring the existing facts.

Meanwhile, another thing has been happening. Developments have taken place both in our Constitution and that of the Jammu and Kashmir State. As hon. Members will perhaps remember, we have laid down in our Constitution that we could not agree to any change in regard to the Jammu and Kashmir State without the concurrence of the Jammu and Kashmir Constituent Assembly. That is the constitutional position. I pointed this out to the distinguished representatives from Pakistan who came here.

The creation of one unit in West Pakistan also concerns the people of Kashmir indirectly. Now, as a consequence of all these factors, I made it clear to the Pakistan representatives that while I was prepared to discuss any aspect of this

question, if they wanted to be realistic they must take into consideration all that had happened during these seven or eight years and not talk in terms of eight or nine years ago. They did not quite accept that position and there the matter ended.

The only alternative, I said, was a continuance of the deadlock in our talks. I had offered some time ago a no-war declaration to the Pakistan Government to the effect that under no circumstances would India and Pakistan go to war for the settlement of any dispute. There was considerable correspondence. Nawabzada Liaquat Ali Khan, who was the Prime Minister then, did not agree to that and he said: "Before you make that declaration, you must settle the question at issue or you must agree to their being settled by some process like arbitration." I pointed out to him that I would very gladly settle these questions but various attempts had already been made which had not succeeded. I thought that by a no-war declaration a new atmosphere would be created which would help us in settling them. I said, "Let us consider advance on both lines." Further I said, "When you want me to bind myself down to a strict schedule there will be possibility of disputes arising. When a dispute arises it is referred to conciliation which might take a month or two, then to mediation which might take a couple of more months, and then to arbitration." I said I was not aware of any country having committed itself in advance to arbitration about any problem that might arise in the future.

The present Prime Minister of Pakistan has again mentioned this matter and I gladly welcome his proposal. But it is clear that we must not tie ourselves in a no-war declaration; but if you settle first and then make a no-war declaration or arbitration.

I want to be quite frank with this House and with the Pakistan Government. Having had nine years experience of this Kashmir affair in all its changing phases—a problem that is affecting the people of Jammu and Kashmir State, affecting India in a variety of ways, affecting our Constitution and our

sovereignty and affecting our vital interests—am I to be expected to agree to some outside authority becoming an arbitrator in this matter? No country can agree to this kind of disposal of vital issues. I do not think that if both Pakistan and we are agreed that on no account should we go to war with each other but should settle our problems peacefully, they may not be settled for some time, but it is better to have a problems pending than to go to war for it. Therefore it would be very desirable and helpful to have a no-war declaration.

One thing more. The Pakistan President said with great force that in all these border incidents, in every one of them, India was guilty. Well, any number of incidents have occurred. I cannot discuss each one of them. But at least in regard to ten incidents on the Jammu border the United Nations Observers have stated that Pakistan was the aggressor. I take their word for it. But I shall repeat what I said here the other day in my statement on the Nekowal incident. The Nekowal incident stands out in a stark manner not because twelve persons were killed, but in the way it has been dealt with by the Pakistan Government. The present President of the Pakistan Republic was in Delhi when we received the report of the U.N. Observers in regard to this incident. It was handled over to him and to the then Prime Minister. They assured us, and in fact the Prime Minister stated so in public, that they would deal with and punish those who were found guilty by the U.N. Observers. What Pakistan had to deal with was not our opinion, but the opinion of the U.N. Observers, arrived at after an enquiry. Pakistan itself said that the guilty would be punished. I am astonished that a year or more has passed and nothing has been done.

I am still more astonished that statements should be made to the effect that we are the aggressors in all these incidents. I am afraid I have taken a great deal of the time of the House, but I wanted to refer to the Kashmir matter in some detail and to bring out some basic facts. I hope that the Government and the people of Pakistan will consider these basic facts and realize that we mean no ill to them. It will be absurd for us to mean any ill to them because our prosperity is connected with

their prosperity. We want to be friends with them. We want to settle all our problems in a friendly way and I am sure we can settle them if their approach is a friend's approach.

(Speech in the Lok Sabha, 29 March, 1956)

Nehru on Kashmir

III

"Now, one of you asked me about Kashmir. I dealt with this question rather fully in my speech. I am very glad I did so because of the enormous amount of confusion about facts. One can understand differences in interpretation or approach to this question, but surely certain basic facts should be recognised, and I repeated them on that occasion and I am prepared to repeat them now, I think that what Mr. Mohammad Ali, the Prime Minister of Pakistan, has said in regard to the facts is utterly incorrect, in regard to many of them.

Accession legally and constitutionally complete

I have said so many times before, First—about the accession—there is no doubt about the legal and constitutional full-ness of the accession, and for Mr. Mohammad Ali or other to go on saying that it was a fraudulent transaction does little credit to him or to others in Pakistan.

Pak Invasion—a fool-proof

Secondly, there is no doubt that the people who invaded and committed aggression in Kashmir were aided, abetted, supplied with arms and transport and petrol by Pakistan. Pakistani people who did it have made statements in the past year or two and of course, it is a well-known fact. Now, Mr. Mohammad Ali says that Pakistan armies went into Kashmir in May 1948, i.e. when, according to him, Pakistan was threatened by Indian Armies in Kashmir. We say that Pakistan Armies—I cannot remember the date—were there in November 1947 and we have the most absolute fool-proof of that. When the raiders were driven out of the valley of Kashmir by our forces, limited forces—about 1000, I think

probably 2000, our soldiers may be a little more—beyond Baramulla, the raiders obviously could not withstand an organised army. When our forces reached Uri, suddenly they found that there was an organised army sitting there and that was the Pakistan army at Uri entrenched with big guns and the like. It became a different problem. For the first time I realised that Pakistan was not merely helping and aiding the raiders, but was actually sitting there with its own army. Some of you may remember that we had an exhibition in Delhi, some time in 1948, with captured arms and various other things which had been captured in Uri and elsewhere which belonged to the Pakistan army—an interesting exhibition. Of course this matter was argued at some length in the United Nations in those days. People have forgotten incidents.

Mohammed Ali's lie

Then Mr. Mohammad Ali talks a great deal about what had happened in Poonch or in parts of Jammu. I think he has given an exaggerated version of that. I am not going into the details, but the point is that there was absolutely no trouble of any kind in Kashmir proper. When these people came, the raiders, there had been no trouble of any kind there. It was an absolutely uncalled for, unjustifiable invasion and aggression.

"To Delhi via Kashmir"

You may not remember, but those motor vehicles that brought these raiders had rather curious inscriptions on them. Inscriptions were often "To Delhi", not merely 'Kashmir' or 'Srinagar' but "To Delhi via Kashmir". Well, this may have been a flight of imagination of the person who had put it there. So all these long arguments of Mr. Mohammad Ali about some disturbances in Poonch which undoubtedly occurred over the question of tax payments and what not—and I am not here obviously to justify what the Maharaja did, I am not interested in the Maharaja's doings and I think he very often misbehaved a lot, that is why I was very glad that he had to quit—but the point is the way Pakistan wants to justify things....

Vicious Mix-up

First of all the argument is : "we had nothing to do with

this business in Kashmir. Others did it." How others can walk over the body of Pakistan without their knowing it and doing it, I cannot understand. Secondly, they justify it by what happened in Junagadh, in other odd places which has nothing to do with Kashmir. He does bring in, as you know, the argument of genocide. Well, there was genocide and genocide undoubtedly in Pakistan, undoubtedly in parts of India, both places. Many of us witnessed that in both places, it was a horrible affair. But what it has got to do with a deliberate invasion of Kashmir, I do not know. You see how a relatively simple issue is mixed up with other matters so as to produce confusion in people's minds. Throughout Pakistan has dealt with his matter in this way. Mr. Zafrullah Khan stated his case in the United Nations and made many statements there which, I say with all responsibility, were a tissue of lies. I said that in Parliament and I repeat it. It has nothing to do with this business of invasions of Kashmir.

Remarkable Period

Now, another interesting thing is that there was no Indian army, not a soldier for many days after the invasion. The whole of the valley of Kashmir was open to any invader. Srinagar was defended by the people of Srinagar, just volunteers. It was rather a remarkable period, a few days which for some time one sees in revolutionary upheavals, i.e. the common people stirred by distant danger defending their city and their valley. Naturally they could not do it for ever. It was remarkable they did it even for a few days. It showed the spirit of the people and their anger and resentment and opposition to the invaders. So these broad facts have to be remembered.

Russian Verdict practically and completely correct

And the second aspect is—I cannot go into eight years history, and all that has happened during this period of eight years—we waited year after year for the issue to be settled with Pakistan, because we wanted friendly relations with Pakistan. Nothing happened. Ultimately, we had to go ahead and there were elections in Kashmir. An Assembly was elected

for drawing up its programme. The whole phase has been changing not only on this side, but on the other side too. You cannot ignore everything that has happened in these nine years. We must take them into consideration" the constitutional and the practical developments. And, therefore, I say that the statement made by Mr. Bulganin and Mr. Khrushchev in regard to Kashmir was legally, constitutionally and practically completely correct.

Question : They made a speech in Kashmir. They said something rather different.

Answer : There are two statements. Well I have not got here the exact words with me. They just made the statement. I said legally, and constitutionally it was quite correct and practically too, because many things have happened. If a person wants to argue with me on the legal and constitutional issue, well, then I am quite prepared to argue on the basis—on the very first, initial beginning of this problem, that is aggression. If you want to have the law, you have the law and we will deal with that legally, constitutionally and practically. If you want law, we have to consider aggression and the accession which is completely legal and everybody has admitted it (accession) except perhaps those who refuse to open their eyes and admit obvious facts. I do not want to go into the legal quibbles in discussing a problem in which human beings are involved and national relationships are involved.

The Practical Approach

Let us look at it from the practical point of view, because we want above all the welfare and freedom of the Kashmir people. We want good relations with Pakistan—between India and Pakistan. That is very important to us, more important than some strictly legal or constitutional interpretation. But if the law is thrust upon us, then we shall have the law and the law is that the aggressor is the guilty party and that Kashmir has acceded to and is a part of the Union of India. That is the law; that has to be the practical approach.

Question : The demand for the prior withdrawal of the

Pakistani forces pre-dates the offer of military aid to Pakistan which was later given and which has changed the context of the whole problem. Would it now be adequate merely if Pakistan withdraws its forces from Kashmir ? What difference did that military aid make ?

Answer : Throughout this period of discussion with Pakistan, we had got bogged over the question of the pre-requisites to a plebiscite. Among them, there were many points. The very first thing was the withdrawal of troops, etc. We never got over that difficulty. If we had got over it, of course, there were other important problems. Well we did not get over that difficulty.

Again, this question of military aid which altered the whole situation—military situation and political situation and political situation, both from the point of view of the defence of Kashmir, because it makes little difference now to what extent Pakistan withdraws, because there was a much more increase of military potential sitting there behind them. It makes a huge difference.

Secondly, all this has become a matter of high importance from the point of view of defence of India and all these factors had to be considered. With large bases surrounding India, and not only surrounding India but so far as my knowledge goes, in the Pakistan-occupied territory of Kashmir, it makes a tremendous difference to us in many ways. The whole context of the question changes.

Question : An inference has been drawn in certain sections that you do not want the plebiscite in Kashmir to be held now. Is it correct ?

Answer : Largely so. I will explain myself. What I have said was that we have tried and discussed this question of plebiscite for six or seven years, but the pre-conditions have not been fulfilled. Meanwhile, other things have taken place, like military aid, etc., which have increased the difficulties tremendously of this problem. It is not that I am not willing to discuss this problem still further. But as a practical person, I think that this is leading us to a blind alley. We have therefore,

to discuss it from another point of view in regard to the conditions that have arisen now and try to come to an agreement.

As a matter of fact, I expect that the Constitution of Kashmir will be finalised soon. It has been largely finalised and will be completely finalised soon, and in all likelihood there will be general elections there on the basis of the new Constitution some time or other in the future.

(Proceedings of the press conference, 2 April, 1956)

SPEECH AT ALLAHABAD

Kashmir, an Integral part of India

Addressing a public meeting at Allahabad on April 4, the Prime Minister of India, Shri Jawaharlal Nehru, said that Kashmir has acceded to India and was, therefore, legally and constitutionally a part of India. Mr. Nehru declared that the stand taken by India on the Kashmir issue was supported by Mr. Bulganin and Mr. Khrushchev.

He recalled his recent statement on Kashmir at a Press conference in Delhi and said that it had caused great resentment in Pakistan, but there were other countries which had welcomed it. The Prime Minister said that by making that statement he had cleared the position, as he felt that by keeping this matter in suspense they were retarding the progress of Kashmir.

Kashmir Issue—a Closed Chapter

Kashmir had made enormous progress in the past few years. "If we open the Kashmir question now the people of Kashmir would be ruined just as refugees from East and West Pakistan have suffered."

Mr. Nehru said that people from the so-called "Azad" Kashmir part of the State were anxious to cross the cease-fire line due to economic depression. If their entry had not been stopped, hundreds of thousands of Muslims would have come to this side.

Mr. Nehru declared : "India is not prepared to settle the Kashmir problem under any threat".

(April 4, 1956)

CONFERENCE AT ALLAHABAD

Talks on Kashmir Ruled out

At a press conference at Allahabad on April 5, the Prime Minister of India ruled out the possibility of a meeting with the Prime Minister of Pakistan in the near future to discuss Kashmir.

Asked whether there was any possibility of a conference of the Indian and Pakistan Prime Ministers to discuss Kashmir, Mr. Nehru said : "No. So far as I know there is no likelihood of any such meeting in the future.

Stand on Kashmir, the only right course

Mr. Nehru said that the stand taken by him on Kashmir did not constitute any "menace to the cause of peace in Asia". It was the only right course taking into consideration the situation as it had arisen and developed today. "Any other course will be impracticable and will lead to graver problems than the one existing today and lead indeed possibly to what the Pakistan President, General Iskandar Mirza, has said: 'Greater menace to peace'."

When his attention was drawn to a speech made by General Mirza in which he had described Mr. Nehru's stand on Kashmir as "a menace to the cause of peace in Asia", Mr. Nehru said : "I do not know if it helps me or anyone else to enter into controversies over the language of this matter. What I have declared is a factual statement about the origin of the dispute and how it had developed in the last eight or nine years."

He added : "I often see criticism in the foreign Press, which indicates that they do not know the basic facts of the dispute or they have forgotten them. So I thought it better to place them clearly before the public."

New Developments

The Prime Minister said : "Apart from these basic facts as well as the fact that eight years have elapsed now in our attempts to solve it, two or three important developments have taken place which are affecting this problem directly or indirectly. One was the American arms aid to Pakistan.

He referred to SEATO and the Baghdad Pact and said : "One can see how these organizations have begun to interfere by the recent meeting (of the SEATO Powers) held at Karachi where Kashmir was dragged in. All these are recent developments and they affect the Kashmir issue."

Another development not directly affecting the Kashmir issue, but nevertheless affecting indirectly, was the increasing exodus from East Pakistan. These were important recent factors which should be looked at as a whole.

Welfare of people—main concern

Mr. Nehru said : Our main consideration always has been the good of the people of Kashmir and their freedom to live their own life. We do not wish to impose ourselves upon them. Even now Jammu and Kashmir State has a very large measure of autonomy—more than any other State in India, and we have willingly agreed to it. They are fashioning their own destiny. We are not interfering. We are helping them.

"Another consideration that has always to be borne in mind is that whatever steps we may take they should not upset the life of millions of people in Kashmir. They should not upset India and Pakistan. Therefore from the practical point of view one has to take into consideration the situation as it has arisen and as it has developed and exists today.

"I am sure that when the President of Pakistan and others there (in Pakistan) consider this question calmly, they will see the reasonableness of what I have said. I have repeatedly stated that we want the friendliest relations with Pakistan."

Force not to be used

Replying to a question whether the Government of India intended to take steps to free the people in "Azad Kashmir",

Mr. Nehru said : "You must remember that there is a ceasefire line where on either side there are armed forces. Armed forces do not approve a large number of people crossing from one side to the other. So from that point of view we have to prevent large number of people from coming to our side. In spite of this hundreds have come over, but we cannot afford to allow all kinds of people to come".

He added : "We have no intention to using any kind of force with regard to the Pakistan-held territory."

(5 April, 1956)

KASHMIR AND INDO-PAK RELATIONS

Michael Brecher : Well, aside from the fact that Kashmir has legally acceded to India, what makes Kashmir so important to India ? Does it have any implications for India's efforts to establish a secular state and to maintain communal harmony in this country ?

Jawaharlal Nehru : Yes, that is probably the most important aspect of it. There is a sentimental aspect, not so important. Kashmir has been intimately connected with India, culturally and otherwise, for 2,000 or 13,000 years. It has been a great centre of Indian culture, it has been a great centre of Buddhist culture it has been a great centre of Islamic culture. Probably in Kashmir more than anywhere else in India there has been less of what is called communal feeling, and Hindus and Muslims and others have very rarely quarrelled. And even if they have quarrelled, it has been of short duration. Their lives are generally more or less alike. Their culture is alike, their languages eating habits, and whatever goes to make a culture. And they have lived happily together even if there has been trouble in India. Now we have never accepted, even when partition came to India, the two nation theory, that is, that the Hindus are one nation and the Muslims are another. If Muslims want to go out of India, that is a different matter, that is, a certain area of India votes itself out. But we did not accept it and, even if every Muslims says so—every Muslim did not say so—I say we cannot accept that because once we

accept that nationality goes by religion, we break up our whole conception of India. India is a country with many religions. May be one is larger than the others, but there are fairly big religions here, any number of them. And, as in any other country, nationality has to be based on other factors, not on religion, of course giving freedom to various religions to function. Pakistan came into existence a large number of Muslims decided that way when we accepted it. Many went there, and many Hindus came here. Nevertheless, 35 million Muslims remained in India. Today there are more Muslims in India than there are in West Pakistan.

MB : A fact that is generally unknown.

JN : Unknown, because Pakistan is in two bits. In Kashmir, even before the partition, there was, as you must know, a struggle for the mind and heart of Kashmir between the Muslim League and the national movement of Kashmir. We did not come into the picture then. Later, we came in, and the national movement of Kashmir deliberately rejected the Muslim League idea of the two-nation theory. That was before partition and, naturally, we welcomed it and we co-operated with them in the larger national movement. Then came the partition and the struggles in India. There were no troubles in Kashmir. And, when Kashmir joined India, both in the constitutional sense, through the Maharaja who had the right to do so, and in a popular sense through the organization, well, apart from political and other aspects, it was very important for us because it helped our thesis of nationalism not related to religion. If the country thesis were proved in Kashmir, it would affect somewhat—I don't say it would shake up India—but it would have a powerful effect on the communal elements in India, both Hindu and Muslim. That is of extreme importance to us—that we don't, by taking some wrong step in Kashmir, create these terribly disruptive tendencies within India....

MB : In view of the tragic aftermath of partition, Mr. Prime Minister, in the form of communal riots, the Kashmir problem and other unresolved issues between India and Pakistan, is it

visionary, do you think, to expect a genuine rapprochement between the two countries in the foreseeable future ?

JN : Before I answer that question I shall say something about a related matter. Many people think and say that the Kashmir problem is a major problem which comes in the way of good relations between India and Pakistan. That is true, in a sense, but not basically true. What I mean is this : the Kashmir problem is a result of other conflicts between India and Pakistan, and even if the Kashmir problem were solved, well, not in a very friendly way, those basic conflicts would continue. If it were solved in a really friendly way, then, of course, it would help. But it is a friendly approach to the problem that is important, not a forcible solution, which gives rise to other problems.

MB : Yes, I think most people would agree but what are these basic conflicts ?

JN : I should say, basically, they are ideological. And we go back a gain to what I was just talking about, this business of the two-nation theory, what is nationalism and all that. Also, I am sorry to refer to it, there is an unfortunate tendency—not of Muslims as such—but of some people, saying : ‘we were the rulers of India before the British came, why shouldn’t again be rulers over India ? We shall capture Delhi, we shall do this ! Of course, it is rather fantastic and nonsensical but this kind of thing produces action and reaction. I would also say that so far as the people of Pakistan and the people of India are concerned, they are in a much better and more friendly frame of mind today than they were some years ago at partition time. Conditions have improved very greatly. There really is hardly any prejudice against each other qua individuals or qua groups. As a nation the political issue may come up or some other issue, or they may be excited about some religious story. But when Indians go to Pakistan in groups they are welcomed and embraced. When the Pakistan is come here they are welcomed and embraced too. You see, we have the same language, so many things in common.

MB : What effect, if any Sir, does the current political

crisis in Pakistan have on the establishment of more friendly relations between the two countries ?

JN : It is difficult to answer. When a country is afraid, it is afraid of taking any step forward....

MB : Because it doesn't feel that its own foundations are secure ?

JN : Yes, it is afraid and they have fed themselves on fear of India. This is totally unjustified because under no circumstances whatever, even from the view of the narrowest national interests, do we wish to interfere in Pakistan. We want them to be an independent country and a flourishing country. It is not good for us to have a country that is not flourishing because that leads to political crisis, conflicts and all kinds of things. And when Pakistan, either politically or economically, grows weak, the fear element increases and is played upon deliberately, so as to divert people's attention. And one is always afraid of adventurist action, that kind of thing. It stops a natural development—it has taken place in the past—of more friendly relations between India and Pakistan.

(National Herald, 2 August, 1956)

10

Economic Measures

In accordance with the plan of New Kashmir, which envisages

(i) Abolition of landlordism

because such a step would be the pivot of all progress; and,

(ii) Land to the Tiller

because after the abolition of the Landlord class, it will be possible for the first time, to satisfy the land hunger of the landless peasant and ensure efficient working of the land, the Jammu and Kashmir Government have decided, pending the examination of the question by the "Land to the Tiller" Committee, with immediate effect, that owners of big landed estates owning an area of above 1000 kanals in the State shall henceforth retain for personal cultivation only 160 Kanals of land; the area thus taken over from such owners to be transferred in ownership to the actual tillers to the extent of their possession in each case.

A Communique extraordinary issued today, the 13th July 1950 which is observed throughout the State as the Martyrs' Day to commemorate the heroic struggle of the people of Jammu and Kashmir against autocratic oppression which began on this day in 1931, says :

The right of ownership in land by the following land by the following landholders has, without payment to them of any compensation for such right, ceased to vest in them except for :

a. residential sites, orchards, bedzars and safedazars and lands classed recorded as Araks, Kaps provided these are assessed to land revenue and such other unculturable wastes as may be specified by the Government from time to time; and

b. an area of 160 kanals for personal cultivation which the landholder shall have the option to select.

The lands so released will forthwith be transferred to the actual tillers thereof in ownership right, subject to the payment of land revenue and other dues for the time being in force and subject also the right of Government to revise the areas of the holdings, as and when necessary.

It will be seen, that the landholders enumerated above will no longer remain landowners, landholders or landlords in respect of the areas of which the right of ownership is extinguished and the tillers who cultivate these lands at present will, by the very fact of their cultivatory possession, become full owners of their lands and shall no longer pay or be required to pay either directly or indirectly any rent in cash or in kind to the ousted owner. All that the tiller, who is now the proprietor of his tenancy will pay will be only the land revenue and other dues which were paid or would have been payable by his predecessor, direct to the Government.

The produce of Kharif 2007 will no longer be charged by the Landlord from the tenant, for, the sleeping partner who lived between the Government and the tiller is no more and cannot claim any share in the lands of which he was once the landlord.

Immediate steps are being taken to ensure that the right of ownership transferred to tillers is properly recorded and enforced and the name of the defunct land-owner removed from the village record. Instructions are being issued to compile Jamabandis, Dalbachhs and other pertinent record in the name of the tiller owner. The land revenue, to the

payment of which the lands so transferred shall be liable shall be the same which has been fixed on the holdings during the last settlement and shall be deemed as if it were fixed under Chapter IV of the Lnad Revenue Act, 1996 and as if the lands so transferred had been settled with the tillers to whom lands are transferred.

Notwithstanding anything contained in any contract or in any other law for the time being in force :

(a) all rights, title and interests of the landholders enumerated above in such land as is transferred to tillers including trees (other than trees situated in areas which have been allowed to be retained by them), wells (other than private wells), tanks, ponds, water channels or Khuls and path-ways except rights in any water-mill or Jhander shall be vested in the tiller-owner :

(b) each of these land-holders will be asked to select the 160 kanals of land allowed for personal cultivation within one months and if he complies with the requisition the land so selected shall immediately be demacrated on spot, and if he fails to select the land, the Revenue Minister will himself reserve the area. All disputes in connection with transference of ownership to the tillers and lpreparation of any record shall be determined by a Revenue Officer.

The liquidation of big landed estates alone will not solve the problem, for even after that there would remain a large element of non-cultivating interests in land. The orchards, bedzars, safedazars and other areas which have been allowed to be retained by the big landholders mentioned above will have to be adjusted. What size or form should finally be adopted as an economic unit in the different regions of this country will have to be worked out. How far co-operative or collective arming will be conducive to improved agricultural economy and increase in food production will have to be ascertained. What other facilities can be afforded to the tiller of the soil to provide him an opportunity to develop himself will have to be considered. Before long it is hoped the "Land to the Tiller Commitee" will be able to solve these questions.

In the case of Poonch Jagir with an area of 1627 square miles and population of 3,82,722 the Jammu and Kashmir Government have declared that henceforth proprietary rights will be conferred on holders of land who had so far no such rights and who were considered to be merely ASSAMIS which means agents of the Raja of Poonch, who held all proprietary rights of land in the Jagir in his own person Malikana (cash payment made by the liege to the lord) will be abolished.

The present measures taken to satisfy the land-hunger of the landless by liquidation of big landed interests in the country follow far-reaching steps taken already by the Government to ameliorate the lot of the peasantry. It will be recalled that as so on as the National Conference took over the reins of the Government, many acute instances of exploitation and social parasitism were, instantly, done away with.

As a first step towards the abolition of landlordism and exploitation of tiller of the soil, early in 1948 Jagirs, Muafis and Mukararis (cash assignments) were resumed.

The autocratic rule of Raja of Chenani over an area of 95 square miles with a population of nearly 20,000 was terminated by the assimilation of the Jagir in the State.

Tenants-at-will were granted rights of protected tenancy in respect of 17 kanals of Abi or 33 kanals of Khushki land in the Kashmir Province. Recovery of possession has been provided by means of summary procedure instead of by suits for tenants wrongfully ejected.

Rent in case of tenancies exceeding 100 kanals is not to exceed $\frac{1}{4}$ or $\frac{1}{3}$ of the produce according as the land is Abi or Khushki and in case of tenancies of 100 kanals and below not to exceed $\frac{1}{2}$. This measure has benefited about $\frac{3}{5}$ ths of the cultivating class of tenants who cultivate 7.23 lakh acres out of 22.05 lakh acres forming the total cultivated area of the State.

An amendment in the Jammu and Kashmir Land Revenue Act 1996 provided for a summary procedure for the distribution of unattached land in the villages to the peasants.

All available waste-land was thrown open for cultivation. The posts of village functionaries : Zaildars and Numberdars for times immemorial hereditary posts, were thrown open to election.

The Jammu and Kashmir Distressed Debtors, Relief Act provides for the scaling down of debts by mediation of Debit Conciliation Boards and settlement of such debts to the advantage of the debtors.

The Restitution of Mortgaged Properties' Act provides that all mortgages will deem to have been restituted in which principal money or the value of goods actually advanced by the mortgager to the mortgagee does not exceed Rs. 10,000. The extent of rural indebtedness is estimated at Rs. 3,10,00,000 and of urban debts at Rs. 56,00,000.

Explanation

Acre	- 8 Kanals
Bedzar	- Willow plantation
Safedazar	- Poplar plantation
Khuls	- Water Chennal
Jhander	- Grinding plant
Assami	- Agent
Abi land	- Land which grows paddy
Khushki land	- Other land
Zaildar,	
Numberdar	- Village functionaries who perform variety of duites.

LAND REFORMS IN JAMMU AND KASHMIR

I

The land revenue system of the State of Jammu and Kashmir historically owes its immediate origin to practices inherited from the most decadent and chaotic period of rule, and its form to changes made slowly and not without

mistakes, by men who were mostly aliens to the country, and could hardly assimilate the requirements or enter into the feelings of the people. This system, which is nothing but nature of the relations among cultivators, the landlords and the State, has created feudal holdings and responsible for fostering a class of intermediaries, who profit by the labour and at the expense of the tiller of the soil. The result is, that the agricultural community, which forms an over-whelming proportion of the entire population of this country and contributes to large a quota to the State revenue has been heavily exploited, and lived, till recently, at the verge of starvation, enmeshed in debt, illiterate and demoralised. It is beyond all controversy that a man should not be allowed to own so large an estate or property that its owner exercises power by its sheer magnitude and that it must be derived from personal effort organised in such a way as to involve addition to common welfare.

'The leaders of the National Conference, ever since they started their struggle for the emancipation of their countrymen, realised that their homeland suffered because of economic disparity. They visualised the terrible exploitation of the peasant in the shape of the rack-renting and the arbitrary and often forcible ejectment of the tenants by their landlords, appropriation of major portion of the produce of lands by the absentee proprietors, who hardly spent any money to improve their estates, and the impoverishment caused to the cultivator by a chain of middlemen who left him and his large family hungry for the major portion of the year. They also felt that the Government and its machinery, the laws of the State and other vested interests all combined and tended to help the big owner of land against the emaciated worker and labourer on the field. They recognised that the system of landlordism stood in the way of increase of agricultural production and improvement in the standard of living of the cultivating classes, apart from the moral degradation of a large number of people living under it, including the landlords themselves. It is not surprising, therefore, that almost the first task taken upon itself by the present Government soon after it assumed power has

been the passing of legislation of improving the lot of the tenants and for abolition of big landed estates.

II

Early in 1948, the Government resumed all assignment of the Government revenue known as Jagirs and Muafis and fixed cash grants called Mukarraris. Some of the Jagirs were in cash and some in kind some were tenable during the pleasure of the ruler and some were held in perpetuity or were dependent on service to State. The Jagirdar had the power in some case, to recover his assignment in kind, either wholly or in part, calculated at a fantastically low commutation price which worked at less than 20% of the market rate. He enjoyed a number of privileges, such as the levy and realisation of grazing fees on cattle, forest rights and prior claim to appropriate waste land within the estate assigned to him. In case he relinquished his share of the Jagir in favour of any of the representatives of his parent branch, he received a compensatory Jagir in cash of double the value of land revenue relinquished plus an assignment of a residential unit to maximum of 12½ acres of land in the province other than the one in which the original Jagir was situated. The Muafidar more or less enjoyed the same privileges as the Jagirdar did. They used to derive all benefits from their assigned lands and yet paid no land revenue. The Mukarrari-Dar was yet another privileged class, who received fixed cash grants every six months from the State Treasury.

The number of Jagirdars and Muafidars in the State was 396 and between themselves they used to appropriate Rs. 5,56,313 annually of the land revenue. The Mukarrari-Dars numbered 2,347 and received Rs. 1,77,921 by way of cash grants every year. Leaving the religious assignments and grants in tact the resumption of assignments and the abolition of feudal privileges not only saved the State about Rs. 7 lacks per annum but also relieved the peasants of the crushing burden of payment in kind to the tune of Rs. 3¼ lacs, and released 4,250 acres of land granted by way of self-cultivation and

residential units to the Jagirdars, in favour of cultivators of the soil. In case of religious assignments the practice of the recovery in cash alone was recognised as lawful. The pockets of subsisting feudal rule within the State, called Jurisdictional Jagirs were liquidated and a population of about 2 lacs and 50 thousand was freed from subjection and medieaval autocracy.

III

In October, 1948, the Government amended the State Tenancy Act, 1924, and amongst other provided for maximum rental payable by a tenant to his landlord, for grant of protected tenancy in respect of holdings between 2-1/8 and 4-1/8 acres of wet land and between 4-1/8 and 8-1/8 acres of dry land and for restriction against ejectments. The tenant now is liable to pay not more than 1/4th of the produce in case of wet land (including those growing wheat, maize, sugarcane and linseed) and not more than 1/3rd of the produce in case of dry land in respect of tenancy holdings exceeding 12½ acres to his landlord, and where the latter does not provide seed, implements and cattle for purposes of cultivation, he takes the entire fodder to himself. In case of tenancies not exceeding 12½ acres to his landlord, and where the latter does not provide seed, implements and cattle for purposes of cultivation, he takes the entire fodder to himself. In case of tenancies not exceeding 12½ acres the landlord is not entitled to receive more than one half of the produce, and where the existing rent is less than the maximum rent prescribed by law, it cannot be enhanced. The law also provides for summary re-instatement of a tenant, who has been wrongfully ejected after April, 1947 and prohibits the execution after 18th November, 1948, of ejectment orders or decrees passed by any court against a tenant who has acquired the right of protected tenancy. The eviction of tenants by means of notices has been stopped and has now to be sued for before a regular court of competent jurisdiction. The tenancy reforms have benefited nearly 3/5ths of the peasantry, cultivating about 7 lacs of acres out of 22 lacs of acres of the total cultivable area of the state.

IV

On the 13 July, 1950, the 19 anniversary of the Martyr's Day the Government made the historic decision of transferring land to the tiller, and on the 17 October, 1950, was passed the Big Landed Estates Abolition Act, the Magna Charta of the peasants.

Under the Big Landed Estates Abolition Act, every proprietor retains only 22¾ acres of land (besides orchards, grass farms and fuel reserves) and the right of ownership in land in excess of this unit is extinguished and transferred to the tillers to the extent of their actual cultivating possession during Kharif, 2007 (Sept-Oct, 1950). A tiller means a person who tills land with his own hands, and with reference to the land owned by a proprietor has, on the date of commencement of the Act (viz. 17th October, 1950), been in actual cultivating occupation of such land, and includes a tenant who, after the 1st Baisakh, 2004 (13th April 1947) has been ejected otherwise than in due course of law, or has ceased to cultivate the land owing to reasons beyond his control, but does not include a trespasser, a servant who is paid in cash or kind for his services, a person who is not the actual beneficiary and a hired labourer. The law provides that no tiller shall, with the land so transferred and that which he already owns, possess more than 20 acres in ownership right.

The tiller is liable to pay land revenue and other dues for the time being in force and also a special Land Development Cess (at the rate of As. -/4/- per rupee of land revenue) which is earmarked for being utilised to rehabilitate the cultivators and to improve the land that passes on to them. All lands, of which the right of ownership is extinguished and which are not the cultivating possession of any tiller, are vested in the State and are made available for the settlement of landless peasants and field labourers. The law also applies to the lands owned by the evacuees and to those which belonged to the Enemy Agents and have since been forfeited to the State.

All rights, title and interest of the proprietor in land (including trees, wells, tanks, ponds, water-channels and

pathways) from which he is expropriated, vest in the tiller free from all encumbrances, and the interest of the proprietor in such land is not liable to attachment or sale in execution of any decree or other process of any court, Civil or Revenue and all grants and confirmation of title of, or to such land are terminated.

With a view to check and safeguard against the evasion and circumvention of the law, the Big Landed Estates Abolition Act declares all transfers of land made, or declarations for title or possession granted by an order or decree of any court after the 1st Baisakh, 2005 (13th April, 1947) to be null and void, if it is found that such transfer or declaration has been made *malafide*, or with a view to defeat the object of the enactment. All holdings between two and twelve acres of self-cultivating proprietors are made inalienable, while in other cases transfer of land or any interest therein can take place only with the previous permission of the Government.

The law gives to the proprietor the right to choose his retainable unit of $22\frac{3}{4}$ acres of land. If any proprietor or tiller owner dies intestate or transfers his land or any interest therein without due permission, or a tiller-owner sublets his land continuously for two harvests, the right of ownership is liable to be extinguished and the land shall lapse to the State. At any time no proprietor can hold more than $22\frac{3}{4}$ acres of land and no tiller more than 20 acres of land, and any interest or right in land, and any interest or right in land devolving upon him by custom or under any law for the time being in force shall, to the extent that it exceeds $22\frac{3}{4}$ or 20 acres, as the case may be, be extinguished and shall escheat to the State. It may be pointed out, that 'land' as defined in the Act includes forest land and wooded wastes but excludes the site of any building in a town or village habitation or any land appurtenant to such building or site.

V

A contingent of special staff consisting of Tehsildars, Girdawars and Patwaris was appointed to implement the

provisions of the Big Landed Estates Abolition Act simultaneously in all the 29 Tehsils of the State. The law required the Special Tehsildar to serve a notice on every proprietor to select his unit of 182 kanals and to intimate to him the Khasra Numbers and the area thereof within such period as was specified, and where a proprietor complied with the notice, the land selected by him had to be demarcated on spot, and where he failed to comply, the Special Tehsildar had himself to reserve the land for such proprietor.

By the end of July, 1952, the Special Tehsildars transferred an area of 1,32,469 acres to 1,28,781 tillers and vested an area of 47,804 acres in the State.

The changes brought about by the enforcement of the Big Landed Estates Abolition Act have to be incorporated in the revenue records of which the entries have to be brought upto date with the object of making it represent the facts with regard to the respective rights and liabilities of persons as these at present are and not as these used to be. This has to be preceded by the registration of titles by the process of mutations. The Special Tehsildars started with serving notices on the big proprietors coming within the purview of the Abolition Law to select and intimate the details of the lands which they could retain within the maximum allowed by the Law, and leaving intact the areas so selected and those which the proprietors could retain in addition to 182 kanals by way of orchards, fuel reserves and grass farms, transferred the excess land, of which the right of ownership was extinguished, in favour of the tillers or the State according as the land was tenanted or not, and to this end attested 83,992 mutations by the end of July, 1952 assessing at the same time the lands transferred to the tillers to land revenue reckoned at village rates and to the surcharge of As.- /4/- per rupee of land revenue as Land Development Cess. They also attested mutations such as succession, etc. affecting the devolution of ownership right for purposes of determining the right of proprietors who were to be expropriated. They had also to decide issues connected with the land revenue assessment, as for instance,

where the proprietary holding was sone and no soil-wise Bachh rates were available. In some cases the last forest demarcation was not found to have been correctly enforced with the result that large areas included in proprietary holdings in the village records lay actually inside the forest boundaries. These and other similar problems which faced the special staff were satisfactorily resolved.

In Rajauri, Naushera, Mendhar and Haveli Tehsils, the existing land records were found to be incomplete, for most of the original record had been destroyed by the raiders. The Special Tehsildars in these Tehsils had, therefore, to put themselves and their staff on the reconstruction of records before they could proceed with the transference of land to the tillers.

Any sound system of assessment and collection of land revenue is impossible without existence of an accurate record of rights for the land which is sought to be assessed. In their absence it would not be an easy matter to determine who is liable for the payment of revenue assessed over any particular land and it would be difficult to settle disputes between the various claimants to that land. Under the present Land Revenue Act, presumption of truth is attached to the entries in the records-of-rights and annual records, prepared under Chapter IV of that Act. These are substantially detailed to disclose not only who the landowners of the State are for purposes of payment of land revenue, but also who the landowner of a particular holding is, who is the tenant, what is the rent payable, what are land revenue and cesses assessed on it, the nature of the soils, method of irrigation and area of every holding etc. Right-holders die and others succeed them. Sometimes to meet the necessities of life they require money and have to mortgage or sell their rights. All these kinds of changes which are the result of the operations of time, necessity or the force of Law are to be incorporated in the records-of-rights, and this cannot be done in a haphazard way. Some different procedure is to be adopted, and this we call by the name of "mutations". Thus "mutation" simply means alteration of an entry in the revenue records with the object of bringing the latter upto date, and making it represent the facts

with regard to the respective rights and liabilities of persons as these at present are and not as these used to be. Mutation work is one of the important branches of land revenue administration, and the presumption of truth that has been attached to the records-of-rights and annual records makes the mutation proceedings still more solemn and important.

The increase in land revenue registered in the transference of land to the tillers is due to land, that has hitherto remained un-assessed, being assessed to land revenue and also to the change in the classification of soils from the inferior to the superior.

The Big Landed Estates Abolition Act provides that the Government may transfer in ownership a part of the land, of which the right of ownership is extinguished, to occupancy tenants in such proportion as may be fixed—while occupancy tenants, who are tillers, benefit outright by acquisition of ownership right in respect of the land which was held by them in cultivating occupation during Kharif, 2007 (Sept-Oct, 1950), the non-cultivating occupancy tenants could not acquire any right in land held by them in occupancy right as against the cultivating sub-tenants who happened to be the tillers. With a view to safeguard the interest of this class of tenant, as is not in cultivating possession of tenancy, be granted in ownership right :

(a) in the Province of Kashmir and the Disitriacts of Ladakh and Gilgit, 1/4th of the total area held by him in occupancy right; and

(b) in the Province of Jammu, 1/3 rd or 2½ acres, whichever is the greater, of the total area held by him in occupancy right, and the remaining area, if any, be transferred to the tillers or vested in the State as the case may be.

It has, however been provided that if there are more co-sharers than one in an occupancy tenancy and a portion of such tenancy is in the cultivating occupation of any co-sharer or co-sharers, the ownership right will, to the extent permissible, be granted to all the co-sharers jointly and beyond that to the cultivating co-sharer or co-sharers exclusively, and where

in the same holding, part is and part is not cultivated by an occupancy tenant, such occupancy tenant will be entitled to get the right of ownership as a non-cultivating occupancy tenant in respect of such land only as is found to fall short of the land for which he should have acquired ownership right had he been wholly non-cultivating. In calculating the total area comprising in an occupancy tenancy for purposes of grant of ownership right to the non-cultivating occupancy tenants, the land held in ownership right by such tenants within an area of which the right of ownership is not extinguished, will not, however, be taken into account.

VI

The Big Landed Estates Abolition Act provided for the question of compensation to be settled by the Constituent Assembly of the State and till such time as the question was settled, for payment by the Government to every proprietor who has been expropriated, from any land, an annuity in the following manner, namely :

(a) for the first year after expropriation, an amount equal to $\frac{3}{4}$ th of the land revenue assessed on the land from which expropriation has taken place;

(b) for the second year, $\frac{2}{3}$ rd of such land revenue; and

(c) for the 3rd and subsequent years, $\frac{1}{2}$ of such land revenue.

It was, however, laid down that the amount of annuity will not in any case exceed a sum of Rs. 3,000/- per annum and that it will not be payable in respect of any area held or appropriated by the proprietor from land recorded as Shamilat (village common).

The Consesmbly by its Resolution dated the 6th November, 1951, appointed an eleven-member Committee to examine and report on the desirability or otherwise of payment of compensation for lands expropriated under the provisions of the Big Landed Estates Abolition Act. The Land Compensation Committee was of the view that the payment of compensation to the expropriated landowners was not desirable. In this

connection it will be interesting to quote the following words of the Committee contained in their Report dated the 22nd March, 1952, submitted to the President of the Constituent Assembly of the State :

"NO CASE FOR COMPENSATION ON THE PLEA OF INVESTMENT ON OR RETURN FROM LAND—

We have considered the case for and against the payment of compensation in all its aspects. We think that the stand of the land-owning interests on the antiquity of the institution of landlordism, the paucity of returns of land investments, the legal obligation of payment of compensation, the precedents of some of the Indian States, the sanctity of property right in land and some other conditions has not stood the test of historical, economic and factual analysis. We are told that it is unnecessary and immaterial to consider the origin of ownership in the matter of compensation. That view should have been correct, had the tenure of land been inform regular and determinate. We have found, that large areas of state land were acquired by the landowners without spending a single penny. We have found, that no improvements had generally been made by the landlords on their holdings, and where any improvements had been made, they had been executed at the expense and labour of the cultivator and in any case the landlord had recouped the cost of improvements along with a substantial margin of profit. We have noticed that in several cases the lands originally owned by indigenous right-holders or reclaimed by cultivators had been taken away from them and appropriated by other persons. To support compensation to such persons will be like telling the tillers that though they morally owned the land they must buy it from those who did not morally own it. We agree, that there are cases of proprietors who have purchased lands in recent years but most of them have made large profits and in any case all these are mere speculators in land in the ultimate analysis.

COMPULSORY ACQUISITION THE SOVEREIGN POWER OF THE STATE—

“The sovereign power of any State has authority to appropriate for purposes of public utility lands situate within the limits of its jurisdiction” and “the interests of the public are paramount and to such interests private interests may have to be subordinated where the State thinks it proper”. In restoring the land to the tillers, the proprietors are not completely expropriated. They retain a fairly good portion of agricultural land and orchards and other reserves to boot. We cannot have property deposited in our houses and hold it in our possession for all times without any regard to the question whether it serves any purpose, function or work whatsoever. By its very nature property has become a social progress it is necessary, if circumstances so demand, that it should pass on from being the concern of a larger section of our people. Equally, the dealing with the acquisition of property, we must necessarily have regard to the nature of the property, the history and course of enjoyment, the large class of people affected by it and so on. The Abolition Law affects a small percentage of the landed interests. While it expropriates about 10,000 big landowners, it benefits about 7 lakh tillers and simultaneously helps 96 percent of our population which depends directly or indirectly on agriculture.

PAYMENT OF COMPENSATION NOT DESIRABLE

The tillers to whom the excess land from which the big proprietors are expropriated is transferred in ownership right, are an indigent, impoverished and much exploited class by themselves. No question of recovering the price of the lands from them does arise. As a State with limited resources we are too poor to pay compensation from out of the State Revenues. The Financial liability will be of a very serious nature and payment itself will prove incalculably mischievous. Apart from these considerations there is no moral, economic

or social basis, for compensation. We, therefore, recommend that both on principle and policy, the payment of compensation to the expropriated proprietors is not desirable. The payment of compensation would perpetuate the present inequitable distribution of wealth."

The Constituent Assembly of the State took its historic decision on the 26th March, 1952, ordaining that no compensation shall be paid in respect of the land from which expropriation had taken place under the Big Landed Estates Abolition Act. This decision marked the end of an era of exploitation which had reduced the tiller to perpetual serfdom. This decision was hailed within and outside the State, as an outstanding contribution to the cause of social justice and social stability which the present Government are determined to extend to the masses.

VII

Events in the State of Jammu and Kashmir have been momentous. We have won our freedom in October, 1947, though a part of our country is still left in the unlawful occupation of the invaders. Raids brought in its wake the holocaust of organised murder, loot and arson—a destruction unprecedented in our history. Our country's resources were drained and our National Government was faced with difficulties of great magnitude. Substantial achievements, however, in spite of these difficulties, must be laid to the credit of our Government all these years.

We believe that planning is only a means to an end and not an end in itself. We wanted the subtle and ugly form of exploitation permitted by the existing land system to be arrested and terminated without delay. In his anxiety to change the fate of the tiller, it was our Prime Minister himself who initiated the implementation of the Big Landed Estates Abolition Act by educating the cultivators on the measures that had been taken by his Government to make them the owners of the lands which they tilled, and by himself witnessing the registration of

titles by the Special Tehsildars at different places throughout the State. He and his cabinet Ministers shared the joy of millions of our peasants upon whom has dawned a new life and a new vision. Our Revenue Minister who believed that each citizen of the State had an in-alienable right to reap a decent harvest of his honest labour, and political democracy had no meaning without economic equality, did not spare himself in explaining the reforms to the populace and to guide the Revenue Officers in the matter of correct and prompt implementation of all the measures which the Government had introduced. Like his leader, he held the view that no reform would be too radical, no measures too revolutionary, no plans too costly that result in the emergence of a contented and happy rural population.

ACHIEVEMENTS IN THE DOMAIN OF AGRARIAN REFORMS

The Background and Approach

The well-being of the agricultural community in the State of Jammu & Kashmir, constituting as it does so overwhelming a proportion of the entire population of the country and contributing so large a quota to the State revenues, cannot fail to be to the Government a matter of the most intimate concern; nor can it be denied that upon a sound organization of agriculture must the prosperity of this class in a great measure depend. The question must be recognised therefore, as one of the highest national importance, transcending the sphere of party or sectional controversy, and demanding at once the most scientific scrutiny and the most liberal treatment. Our countrymen are aware how the previous Governments failed to improve the lot of the agriculturist in the State and how the National Government of Sher-i-Kashmir took upon themselves to tackle the problem with top priority amongst the various reforms which they had in mind. They believe that the country cannot be prosperous so long as we have an army of men who do little or no work and yet get an easy remuneration, and unless the dangerous class division of our society, based as it is on landlordism of one kind or another, is removed.

The liquidation of the intermediary interests in land prepared to them as one of the most important measure to arrest the sinking poverty of the cultivator. They felt that till such time as land did not come to be owned by the person who toiled upon it and husbandry did not become a passion with the tiller, the tenant must still get his legitimate share of the produce which he raised for the landlord.

GRANT OF FIXITY OF TENURE TO, AND FIXATION OF RENTS PAYABLE BY TENANTS

The present Government initiated the much needed land reforms with a statutory fixation of rent as between the tenants and the landlord, which, with the maximum fixed at $1/2$, was, for different crops, reduced to $1/3$ rd and $1/4$ th of the produce payable by the tenants. The tenant was granted protected and hereditary rights for the small holding that he cultivated. He was protected against arbitrary ejection, and it was made easy for him to recover possession in case of unlawful eviction. During the last 7 months, the tenants instituted about 279 applications, for recovery possessions; in 212 cases, possession was restored. It did not take them more than two weeks (from the date of presenting the applications) to secure re-entry on their lands, while, under, the old law, a suit for recovery of possession would have taken not less than two years to decide.

READJUSTMENT OF LAND TENURES ABOLITION OF LANDLORDISM, STABILIZATION OF PEASANT PROPRIETORSHIP, AND NATIONALIZATION OF LAND

This was followed by the peasants Magna Charta, the Big Landed Estates Abolition Act, which had revolutionized the whole fabric of rural economy. While this Act confers ownership right upon the tiller in respect of the land in his possession, it, at the same time, gives an opportunity to the existing proprietor to live, if he so chooses, by his own effort on land and not at the expense of the labour of others. The Act is elastic and ingenuously tends to create conditions for nationalization of land. After all, the Government are

interested in a system of nationalization of land which will both guide as well as be guided by, co-operative influence and which will be neither an ordinary State landlordism of a loose type, nor even state farming of a closely centralized type.

Since the passing of the Act, over 3 lacs of kanals (37,500 acres) of land have been transferred in ownership right to about 134,000 tillers with about 1¼ lacs of beneficiaries and an area of about 1 lac kanals (1,2500 acres) has been vested in the State.

Relief to Distressed Debtors

With a view to scale down rural and urban debts, the Government established 5 Debt Conciliation Boards in five Districts of the State, which have now been supplemented by four more Boards. The latter Boards have not functioned so far. But the five Board, already established, have done a fairly good amount of work. The total number of applications was over 34 thousand, out of which about 6 thousand were disposed of. The total amount of debts, involved in the title case settled, was about 13½ lacs of rupees which has been scaled down to 6¾ lacs of 1 rupees, payable in instalments spread over a period of 50 years. This has reduced the burden of accumulated debts by about 50%.

The Restitution of Mortgaged Properties Act came into force on 30th Chet, 2006. The number of applications instituted and disposals made so far, are 1,432 and 116 respectively. With a view to accelerate the disposal of pending cases, some of the Chairman of the Debt Conciliation Boards are being invested with powers to hear application under this Act.

Soil Preservation-Plantation of Trees

To preserve soil resources and to arrest erosion, the State Government have consistently pursued tree plantation on a planned basis. About 8 lakh trees of different species were planted in the State during the year S. 2007-5 lakhs by the Forest Plantation Division, 2 lakhs by the Rural Development Department and the rest by the Irrigation and Forest Departments.

Animal Husbandry

During the last year (S. 2007) the Veterinary Department treated 3,88,155 animals and vaccinated against Rinderpest 3,28,155 animals. The vaccine used in combating Rinderpest is manufactured in our own Veterinary Research Laboratory. The research on Ranakhet disease, which is common to poultry, conducted in the Veterinary Research Laboratory, led to the discovery of a vaccine to fight the disease. This vaccine is shortly going to be made available for use in the country on a mass scale.

33,034 Serub Bulls have been castrated. Licenses under the Livestock Improvement Act, have been issued to 195 approved bulls for breeding. 13,160 cows are registered at the Cattle Breeding Centres for improved breed.

The Government have enacted a law making vaccination against Rinderpest compulsory and providing for suitable measures with a view to control contagious diseases amongst the bovine population in the country.

Irrigation

By far one of the outstanding achievements of Sher-i-Kashmir's regime is the extension and development of irrigational facilities in the country, which had been completely neglected and ignored by the past Governments.

We have not only constructed new canals and remodelled the old canals and reclaimed thousands of acres of land for cultivation. We are harnessing our waters to make cheap power available to our countrymen, even to the distant villager, whom circumstances have so far denied the barest amenities of life. The following facts will speak for themselves.

(A) EXTENSION BY NEW CANALS

1. *Awantipore Canal*. Completed at a total cost of Rs. 9,70,000, the Canal was opened for irrigation last year, when it supplied water to 3,100 acres of land and is scheduled to make a supply to the full commanded area of 5,100 acres

within this year.

2. *Sumbal Canal.* The Canal has practically been completed. It cost Rs. 6 lacs and is going to irrigate 7,000 acres of dry land. It is expected that the Canal will be able to irrigate further 5,000 acres of land up to Rakh Asham.

3. *Udhampur Canal.* The Canal is under completion and will be opened sometime in Har, 2008. It will irrigate about 2,500 acres of arid land. It will cost 4.5 lacs.

4. *Kishtwar Canal.* The Canal is to be 23 miles long and is going to cost 30 lacs of rupees and irrigate 5,000 acres of land. It will be possible to open part of it for irrigation of 425 acres of land during the month of Har, 2008.

5. *Zainapora Canal.* The construction of the Canal is to be started during this year. It will be 19 miles long and will cost Rs. 8 lacs. It will, when completed, irrigate 9,500 acres of land.

6. *Sindh Canal.* Sindh Canal will, when the Sindh Valley Hydro-Electric Project is completed, irrigate 4,000 acres of land.

New Canal projects for irrigation of Biawara and Chunigund Karewas (about 600 acres of dry land) are under way, while those for Koil and Zachaldara Karewas are being surveyed.

(B) REMODELLING OF EXISTING CANALS

1. *Dadi Canal.* With remodelling, the Canal water has reached the tail-end irrigation has extended to 3,500 acres as against 2,204 acres of land in past years.

2. *Martand Canal.* The remodelling is under way and when that is done, irrigation will extend to 900 acres over the Martand Karewa and Brah tract.

3. *Zainagir Canal.* By the extension of a distributary, irrigation has been extended to 1,400 kanals of dry land. Another 3,000 acres of land are expected to be irrigated when the Canal is remodelled.

Lal Khul and Nandi in the Kashmir Province, and Ranbir, Ujh and Basantproe Canals in the Jammu Province have been repaired at a cost of about 8 lacs of rupees. A newly aligned canal in place of the existing Pratap Canal is under survey, which will irrigate about 6,000 acres of land as against the 2,000 acres of the land as against the 2,000 acres of the old Canal.

Silt Ejectors have been installed on different canals during the last year.

(C) REMODELLING OF PRIVATE ZAMINDARI KHULS

Projects for the following Khuls have been framed and are under preparation, and the actual work will be taken in hand as soon as possible :

- (i) Badshahi Khul (Shehr-khas).
- (ii) Lar & Dub Khuls (Sher-Khas & Sopore).
- (iii) Ompura Khul (Badgam).
- (iv) Khuri Khul (Handwara).

(D) DRAINAGE AND RECLAMATION

Bunding of Nambal areas in Rakhs Banyari and Gund Akashah at a rough cost of Rs. 466 lacs, since started, would release an area of 6,429 acres immediately and 10,690 acres ultimately (when the work is completed) for cultivation and will, in addition protect 4,000 acres of existing cultivated land. Similarly, the bunding of the area between Wassikhan and Banyari will release 6,000 acres of land for cultivation and protect 14,000 acres from floods.

DEVELOPMENT OF INTRA-VILLAGE ROADS

An arterial system of intra-village roads is being laid in the country side. By now, the following roads have either been completed or will shortly be completed within this year :

- (i) Pulwama-Awantipur Road.....8 miles.
- (ii) Nagam-Beeru Road.....8 miles.

(iii) Sumbal-Naidkhai-Hamri Road.....10 miles.

(iv) Bijbehara-Shopian Road.....19 miles.

(v) Beeru-Badgam Road.....12 miles.

(vi) Sumbal-Barsu Road.....6 miles.

(vii) Randbrisinghpur-Arnia road is expected to taken in hand during the year.

(viii) The Rural Department has built a road from Gurota to Akhnoor through the interior at a cost of Rs. 75,000/-. It has already been opened to traffic.

(within Seven Months).

11

Ghulam Mohammad as Premier

Men in office often cease to be their natural selves. They begin to have public faces and public manners. Even their firends have to bear up with their promposity and artificial reserve. But there are some, like Kashmir's Premier, Bakhshi Ghulam Mohammad, who find the formalities associated with office irksome for they cannot shed their naturalness.

Not that Bakhshi Ghulam Mohammad is unused to formal functions and public appearances. Ever since he joined the Kashmir Cabinet seven years ago he has been conducting himself with an air of tact and assurance that even seasoned diplomats might envy. This is saying a good deal when one realizes that Kashmir was is pre-independence days and what difficulties its political workers had to face.

Call of Nationalism

It was in his early youth that Bakhshi Ghulam Mohammad was drawn towards politics. It was not actually politics but the call for nationalism that he responded to. He was barely out of his teens—he is 47 now—when he became conscious of what Gandhiji was doing. Not finding much to do in a princely State so completely under British control he joined a Khadi Bhandar in Srinagar, began to sport Khadi and Gandhi cap and was before long known as Bakhshi Ghulam Mohammad "Gandhi."

This name has stuck to him. Only four years ago when he

visited Samba, a small Rajput town on the Indo-Pakistan border, after the Kashmir National conference's success in the Kashmir Constituent Assembly election, he was not greeted with zindabad. The Hindu town's population as he walked in a procession through the one-mile narrow cobbled bazaar welcomed him with "Bakhshi Ghulam Mohmmad 'Gandhi' ki jai."

During the Raids

There is a story behind it. When the Pakistani invasion was on and the raiders were not very far away Bakhshi Ghulam Mohammad appeared in Samba. His Deputy Prime Minister ship was only a few weeks old. Samba was no ordinary town. Dotting the hillside above its congested, winding bazaar are the citadels of Rajput families. The Bakhshi's appearance at a time when the people thought they had been let down, in the intolerant communal atmosphere of those days the consensus of opinion was that this Muslim who had come as the representative of a Muslim Government should meet his end at their hands. If he was Deputy Premier what had his Government done to protect the people? Why had they been forced to flee their homes?

Bakhshi Sahib, as he is called by all, was silent. For nearly an hour he listened to their excited and threatening talk. Once or twice he expressed a desire to be heard, but the people were not in a mood to listen to him. They went on and on. His very silence, however, was a help. The gathering finally decided that the man should be allowed to say whatever he had to, before they put an end to his life, for Bakhshi Sahib had not gone there with a guard.

For nearly half-an hour he talked when he was allowed to. He was, he said, a mere Kashmiri Muslim, but how were these descendants of the Sun and the Moon behaving? Were they Rajputs as they claimed to be? Why had they not gone out to fight the enemy and to defend their homes in the accepted Rajput style? Had they become soft? Muslims, who had not been allowed to carry arms or to join the Kashmir Army for so long, could not be expected to be very heroic.

But should not those who traced their lineage to heroic ages have done something? Were they no longer men?

The atmosphere was electrified. The Rajputs were shamed into action. But they had no arms. And who would look after their families if they went to the front? Bakhshi Sahib had the answer ready. He broke open the local treasury and offered whatever was available there for the families. He had brought some with him, but sent for some more from Srinagar. He however, did not send the proud warriors into battle alone. He went to the front with them. Perhaps it was this manly offer that gave Samba's men a new morale.

Today the town is as congested and crowded as ever even if only a few miles separate it from the cease-fire line. The commercial men in the bazaar and the martial men in the citadels are no longer worried about insecurity.

Pathankot Visit

It was about the same time that Bakhshi Sahib decided to visit Pathankot. Communal killings had not ended. No Hindu or Sikh could venture into West Punjab, and no Muslim into East Punjab. But Bakhshi Sahib had set his heart on coming into India to which the State of Jammu and Kashmir had acceded. His friends tried to dissuade him but were not very successful. A compromise was finally arrived at. Bakhshi Sahib agreed to travel in the company of a Sikh friend for safety. He, however, refused to disguise himself. He was not prepared to discard his distinctive Kashmiri fur cap on any account.

His arrival in Pathankot was not without drama. People noticed his cap and cordially smiled. Then someone recognized him. Before long there were hundreds shouting welcoming slogans. Bakhshi Sahib, who it had been feared might be in danger of his life in Pathankot, was cheered at here. He was taken in a procession and he addressed a crowded public meeting. His courage had once again proved that communalism does not touch those who do not believe in it.

On the Front

Throughout the military campaign against the Pakistani

invaders Bakhshi Sahib was with the Indian Army. He was at the front whenever he could be. It was during those days that he developed abiding friendships with many top generals of the Indian Army. The people of Jammu and Kashmir similarly developed an affection and admiration for the Army and its leaders.

Some years ago when a plane bringing some of the generals from Lucknow to Delhi met with a mishap the people of Kashmir were among the most anxious. Bakhshi Ghulam Mohammad was in Delhi when he heard of the plane having been delayed. He was on the way to the railway station to catch the train for Pathankot. He cancelled the arrangements at the last minute and spent the next few hours in great uneasiness. He paid many visits to the house of one of the generals who was travelling by the plane. Next morning when it was known that the pilot's presence of mind had saved the whole party, Bakhshi Sahib was out looking for a suitable gift for the airman.

Secular Faith

Those who know how consistent he has been in his secular views and his opposition to Pakistan's two-nation theory are not surprised at the vehemence with which Bakhshi Ghulam Mohammad talks of Kashmir's final and irrevocable accession to India. He and his colleagues decided this line of policy long before Pakistan was created. From 1938 onwards the Kashmir National Conference has been a non-communal and genuinely national organization. The Conference's leaders had close contacts with the Congress and closer still with Khan Abdul Ghaffar Khan's Khudai Khidmatgar movement.

When the late Mr. Jinnah went to Kashmir in 1944 and stayed in Srinagar for weeks on end trying to persuade the Conference leaders to throw in their lot with the Muslim League. It was their basic secularism that made them steadfast. Mr. Jinnah's arguments in the name of religion, his cajolery and promises of all kinds had no effect on them. He had come back a disappointed man.

This secular attitude was strengthened when the people of

Kashmir had to defend themselves against Muslim raiders who invaded Kashmir with the backing of Pakistan.

Friend of India

But ideals in politics are not always steadily pursued. Mr. Jinnah whom the late Mrs. Sarojini Naidu had once called the "ambassador of Hindu-Muslim unity" became the apostle of the two nation theory. Even if the spirit of secularism did not decline, various factors led to the crises of August, 1953, when Bakhshi Ghulam Mohammad's Government had to arrest his leader and colleague he had worked with for 20 years. Many times Bakhshi Sahib has had to intervene when relations between New Delhi and Srinagar were not at their best. Before the New Delhi agreement between the Government of Sheikh Abdullah and the Centre was arrived at, the Sheikh was not too happy over criticism of his speeches and statements. He was reluctant to visit Delhi. "Why don't you go?" he told Bakhshi Ghulam Mohammad. "they are your friends."

Bakhshi Ghulam Mohammad did not deny his friendship with India, but explained that since Sheikh Abdullah was their leader. It was for him to head the delegation to New Delhi. As to the Sheikh's complaints about criticism in the Press, Bakhshi Ghulam Mohammad reminded him that the same papers had brought out special numbers when he was arrested during his struggle against feudal rule. He had the support of the whole country during his "quit Kashmir" movement and ever since his release in 1947. Why should he be sensitive to criticism now?

Days in Delhi

As to himself, Bakhshi Ghulam Mohammad does not forget the period he spent outside Kashmir after Sheikh Abdullah's arrested in 1946. Without financial or other resources, he and some others had to go from town to town canvassing support for the "quit Kashmir" struggle. In Delhi he lived in Paharganj and spent his time visiting Congress leaders and newspaper offices in an effort to see that the significance of the movement was fully appreciated. It was during this period that he went to Sevagram to see Ganghiji to

explain the Kashmir issue.

Since taking over as Prime Minister of Kashmir he has been using his organizing ability for constructive work. For the first time in centuries the State is settling down to economic and industrial development. The idea of a tunnel through the Banihal that remained a mere possibility for decades has taken concrete shape. Work for the protection of Srinagar against floods has been started. Cultivators having been freed from the iniquitous levy have begun to think of prosperity. Corruption which has been a part of the life in the State, is being vigorously combated. The administration is being reorganized.

Weekly Durbar

The task is in no way easy. But Bakhshi Ghulam Mohammad is not only a brave politician but a fearless and farseeing administrator. He is both feared and loved. Potential political saboteurs go about in dread of him while the people cheer him wherever he appears.

Twice a week when in Srinagar he holds what may be called an open durbar. Any one can go and lodge a complaint personally to him. He has heads of departments near him and instructions are issued on the spot. If any case relates to local affairs in some other town the official concerned is given instructions on the telephone.

He has no patience with red tape or official delays. A couple of years ago when there were complaints about traffic hazards on some of Srinagar's narrow roads, he collected municipal and other officials, engineers and workmen and went to the spot. In a matter of days the roads were widened. Owners of houses to be demolished were paid compensation on the spot and also found suitable alternative accommodation in the locality. Bakhshi Ghulam Mohammad was there every morning to supervise the operations himself.

First to the Rescue

It is with similar methods that the shrine at Charar Sharif and the tomb of Kashmir's poetess-queen Habba Khatoon,

both near Srinagar, have been given a new look. The same methods can be seen at work if there is any emergency. If there are floods, Bakhshi Ghulam Mohammad will be in the worst affected area helping in the rescue work and giving a word of cheer to the sufferers. If there is a fire he will be among the first on the scene.

Like most men of action he loves music and poetry. He is fond of both Urdu and Kashmiri poetry. One evening some years ago he returned from a public meeting and was sitting down to rest when he remembered that a mushaira was on in the city. Accompanied by his visitors, he went and joined the audience. Having spotted Zinda Kaul, a well-known Kashmiri poet in the hall, he requested the chairman to invite him to recite something.

Respect for the Poet

Zinda Kaul is an aged school teacher who has sung of Kashmir's beauty in equally beautiful verse. The old man was helped to the dais and had to be given a chair while he recited his poem. A man of real humility and with a happy sense of humour, he was warmly applauded. One or two others followed him after which Bakhshi Sahib got up to look for Zinda Kaul. The poet had left. Had someone escorted him? Had he been provided transport? The organizers of the mushaira had not even bothered to see him off. Bakhshi Sahib was in a temper. Why should they have invited the old man in the cold night if they could not look after him?

Bakhshi Sahib's car, instead of driving him home, went towards the city. The old man who was hobbling along was soon overtaken. The car stopped. Bakhshi Ghulam Mohammad got out, apologised to the poet for the organizer's neglect, respectfully put him into the car to be taken home. Himself he began walking on one of Srinagar's dark roads in spite of an injured ankle that had been giving him trouble for months.

Until he became Prime Minister, Bakhshi Ghulam Mohammad would off and on organize a session of music. It is the Kashmiri folk music that he loves and he can never tire of hearing the haunting tunes. But the new responsibility

leaves him no time for folk songs. The measure of his pre occupation with the State's work, according to him, is that he has not been able to relax with music even once since August, 1953.

Loyal Friend

A warm hearted man he believes in loyalties. He has not forgotten those who befriended him during the long struggle. He has the same informal friendship for them. Enjoying a happy conventional home life, he is a fond father and dutiful son. He reveres his mother. Recently he was scheduled to meet a party of pressmen soon after his arrival in New Delhi from Srinagar. When he joined the party someone asked him if he had come directly from the airport. "Not directly," was his simple reply, "My mother has been here for some days. I went first to pay my respects to her."

He made his first appearance on the All-India stage at Kalyani with a speech that gave him a new stature and a wider reputation. At Avadi he was equally successful. There he brought home to the people and politicians of the South the dangers of neglecting the Kashmir issue. A practical man with no illusions about himself, he was happy at having been able to explain the implications of the problem of Kashmir.

Red Fort Reception

But perhaps more gratifying to him must have been the reception he was given in Delhi. At the Republic Eve mushaira at the Red Fort he arrived when the greatest living Urdu poet, Josh Malihabadi, had begun reciting his verses. Being an admirer of Josh and with no airs about him, he quietly sat down near the entrance to the hall. But some in the audience had noticed him. Spontaneously there were loud zindabad for him and proceeding could not continue until Bakhshi Ghulam Mohammad had been literally pushed into a front seat.

Being a powerful and positive personality he is not without enemies and critics whether within or outside the State. There is no dearth of accusations either. But not even his most jealous enemies can deny that since he took over as Premier he has managed the State with firmness and has put

an end to popular discontent. He has infused in the people a new spirit of hopefulness and made them think in terms of steady progress without any fear of insecurity or instability. Perhaps the measure of his success is the remark of one of his bitterest opponents who recently said that reports of Bakhshi Ghulam Mohammad's tours of Kashmir's countryside were all cooked up. He certainly has his detractors but the thousands who have been visiting Kashmir since last year know what a remarkable transformation has been brought about by the new Premier.

(The Hindustan Times, 6 March, 1955)

**JAMMU AND KASHMIR,
AUGUST 53—AUGUST 54 :
A REVIEW OF THE ACHIEVEMENTS
OF BAKHSHI GOVERNMENT**

By far the most important step taken during its first year in office by the present Government is the implementation of the Delhi Agreement which has ended the political uncertainty prevailing in the State before August 9, 1953.

In July, 1952, decisions were arrived at between the Government of India and the State Government which are commonly known as Delhi Agreement. These decisions were ratified by the Indian Parliament as also by the State Constituent Assembly. The former Government of the State, however, implemented these Agreements only partially and, as is well known, left the remaining parts of it unimplemented and subsequently the entire structure of constitutional relationship with India was sought to be annulled.

Bakhshi Ghulam Mohammad and his colleagues speedily implemented the Delhi Agreement and brought India and the State nearer. The Basic Principles Committee and the Fundamental Rights Committee of the State Constituent Assembly of which Bakhshi Ghulam Mohammad and Syed Mir Qasim were the Chairman respectively and the Citizenship Rights Committee, which included almost the entire House, had joint meetings for labour one month and considered

thoroughly the then existing relationship of the State with India as defined in the instrument of Accession and the Delhi Agreement. The Committees unanimously decided that the remaining parts of the Delhi Agreement be implemented with utmost speed in the best interests of the people of the State.

The Reports of Committees were discussed in Constituent in the Constituent Assembly in February 1954 and unanimously adopted. Accordingly, on the recommendations of the State Constituent Assembly, the President of Union of India issued on May 14, 1954 the Constitution (Application to Jammu and Kashmir) Order, 1954. The Order clearly lays down the provisions of the Constitution of India which apply to the Jammu and Kashmir State and exceptions and modifications subject to which they so apply—in accordance with the wishes and aspirations of the people of the State for retaining the autonomous character of the State while remaining acceded to India for all time to come.

The main features of the Presidential order are :— No action can be taken by the Union Parliament for increasing or diminishing the area of the State or altering its name without the consent of the State Legislature. Permanent residents of the State who, after having migrated to Pakistan, return to the State under a proper permit for resettlement shall be deemed to be citizens of India. Discrimination on grounds of religion, race, caste, sex or place of birth has been prohibited and the State Legislature has been granted the right to make any special provisions for the advancement of any socially and educationally backward classes of citizens. All the citizens living within the territory of Jammu and Kashmir State have the right to freedom of speech and expressions, to assemble peaceably and without arms, to form associations or union, to move freely throughout the territory of India or settle in any part of the Union, to acquire or dispose of property and to practise any profession.

The people of the State have been granted the right to move the Supreme Court by appropriate proceedings for the enforcement of the Fundamental Rights. No existing law in

force in the State of Jammu and Kashmir and no law enacted by the State Legislature in future defining the classes of persons who are permanent residents of the State or conferring on them special rights and privileges in respect of employment under the State Government, acquisition of immovable property in the State, settlement in the State, or right of scholarships etc. shall be affected by any provision of the Union Constitution.

The Executive power of the Union shall not extend to certain matters pertaining to the State of Jammu and Kashmir with respect to which the Union Parliament normally has power to make laws as this right has been granted to the State Legislature. An appeal shall lie to the Supreme Court from any judgement, final order or sentence in a criminal proceeding of the State High Court of Judicature.

No decision affecting the disposition of the State of Jammu and Kashmir shall be made by the Government of India without the consent of the Government of the State.

The provision of the Union Constitution in regard to official language apply to the State of Jammu and Kashmir only in so far as they relate to :

1. the official language of the Union;
2. the official language for communication between one State and another or between a State and the Union; and
3. the language of the proceedings in the Supreme Court.

No proclamation of emergency made by the Union of India on grounds only of internal disturbance or imminent danger thereof shall have effect in relation to the State of Jammu and Kashmir unless it is made at the request or with the concurrence of the Government of the State.

The State of Jammu and Kashmsir has been allotted 4 seats in the Council of States and 6 in the House of the People. The Head of the State of Jammu and Kashmir is appointed by the President of India on the recommendation of the State Legislature.

Financial Arrangements

Consequent upon the implementation of the Delhi Agreement and in accordance with the decisions taken by the State Constituent Assembly, details of financial arrangements with the Government of India have been finalized. As a result, the Customs barrier between the State and the rest of India has been abolished. The abolition of Customs and the handing over of the Income Taxes and Excise Departments resulted in a loss of over Rs. 176 lakhs to the State. To cover the gap thus caused in the State budget, the Government of India agreed to allocate Rs. 250 lakhs to the State during the current year 1954-55.

The Budget

The present Government has imposed no new taxation. On the other hand, the expenditure on beneficent Departments has been considerably increased. The Finance Department has, however, not only succeeded in balancing the budget but have shown a small surplus of about Rs. 48 lakhs.

The receipts for the year 1954-55 are estimated at Rs. 550.12 lakhs and expenditure charged to revenue at Rs. 501.57 lakhs.

5 Year Plan

The State's 5—year plan covering the period 1951-52 to 1955-56 was approved by the Legislature in March 1953. The plan was of the order of Rs. 13 crores and its main features were :

1. Banihal Tunnel.....Rs. 3 crores.
2. Development Works to be financed out of Central Assistance.....Rs.7 crores.
3. Development works to be financed out of the revenues of the State Rs. 3 crores.

Owing to the "go slow" policy of the former Prime Minister very little progress had been made in the implementation of the plan by August 1953. Only Rs. 145 lakhs had been

spent out of the Rs. 7 crore plan up to August 9, 1953. During the year 1953, the amount budgetted by the State Government for the 7 Crore plan was about Rs. 204 lakhs and Rs. 64.91 lakhs for the 3 crore plan. Expenditure up to the end of the year S. 2010 (13th April 1954) was 383.70 lakhs.

To meet the demands of the people made at various conventions held after August 9, 1953 in different parts of the State the Government further revised the plan as a result of which additional expenditure under different heads of development was planned as follows :

<i>Central Assistance Internal Revenues</i> (figures in lakhs of rupees)		
1. Power	0.06	1.15
2. Irrigation	81.87	9.41
3. Road Development	7.50	12.98
4. Water Supply	2.00	0.56
5. Industries	25.09	.....
6. Tourism	6.91	.....
7. Co-operatives	.....	10.56
8. Forests	.....	3.20
9. Trainings	.....	1.48
10. Agriculture	.....	0.35
Total	123.43	39.69

This expenditure has been spread over a period of three years ending S.2012 (1956-57).

The execution of the works under the Plan is in full swing and it is hoped to achieve the targets within the scheduled time. The Government of India has already started work on the Banihal tunnel which will be 1¼ miles long. The tunnel which is being constructed at an attitude of 7,200 ft., will save a distance of about 20 miles and keep the road open throughout the year.

COMMUNITY DEVELOPMENT PROJECTS

The State Community Development Project has been split into three Blocks : one each for the Provinces of Kashmir and Jammu and one for the Ladakh Dirstrict.

The three Blocks selected in the State for intensive development under the Project are extremely backward from the point of view of communication irrigation agriculture animal husbandary, drinking water supply, education health facilities and afforestation.

The Community Development Block in Kashmir Province is situated in Badgam Tehsil and covers an area of about 200 sq. miles with a population of about 1,09,000. The Mansar Block in Jammu Province fall within the Tehsils of Basohli, Samba, Ramnagar and Jammu. It covers an area of 250 sq. miles and has a population of 70,000. The Ladakh Development Block covers the entire district.

Following is the allotment of funds for the three Blocks under the project :

<i>Particulars</i> (Figures in lakhs of rupees)	<i>Badgam</i>	<i>Mansar</i>	<i>Ladakh</i>
1. Agriculture	11.42	1.00	0.50
2. Veterinary	2.00	3.00	2.10
3. Health	1.50	1.35	1.50
4. Education	2.00	1.70	0.50
5. Forests	1.00	1.00	0.60
6. Roads	2.50	5.34	.....
7. Water Supply	1.00	.....	.....
8. Khuls	1.50	.....	.....
9. Tourism	1.00	1.00	.....
10. Cottage Industries	1.00	.....	.....
11. Co-operatives	1.00	2.70	.....
12. Model Villages	1.50	.....	.....
13. Fire Fighting Equipment	0.50	.....	.....

14. Propaganda & Publicity	0.33	.....	.....
15. Industry	.....	0.05	.....
16. Drinking Water Supply		1.20
17. Irrigation	2.20
18. Minor Forest Products	0.30
19. Staff	1.75	1.66	0.80
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Total	20.00	20.00	10.00
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Government have recently sanctioned a 2-year scheme for educational development in the Badgam Block at a cost of about 2 lakh rupees. Under this scheme 10 Boys' Primary Schools, 5 Girls' Primary Schools and 15 community Centres will be opened and 4 existing Primary Schools will be upgraded to Middle Standard during the current year and the next year. A sum of Rs. 1,02,000/- will be spent on the construction of buildings for schools and Rs. 10,000/- for providing equipments to existing schools. The new Boys' and Girls' Primary Schools will be opened at Kanura, Haranjguru, Hardu Panjoo, Hardoo Surish, Ichhihama, Ialpara, Sail, Bonazanigam, Chivdara, Najan and Khansabib, Dabipora, Khag, Jawalapora and Chivdara respectively.

With the opening of these schools, the Badgam Block will have 29 Primary Schools, 5 Middle Schools and 2 High Schools.

National Extension Scheme

Under the National Extension Scheme the State, in view of its peculiar conditions, has been split into 20 blocks one each for every Tehsil. While under the All India Plan for National Extension Works each block consists of 100 villages with an average population of 66,000 in the State, we have formed every Tehsil into a block for Extensive Development. The cost per block is Rs. 7.5 lakhs including loans spread over a period of three years. It is planned to graft the Extension Schemes with the Community Project. The 5 Year Plan and the functioning of the various beneficent Departments serves to leave a permanent machinery in rural areas through which developmental work can be conducted in the future.

Under the scheme it is proposed to form Primary ? Development Committees comprising village level workers one each from 15 contiguous villages who will choose a Chairman from amongst themselves. These committees will frame lists of their problems and plan schemes for their solution. The Block Development Committees (one in each Tehsil) have the Tehsildar as a Chairman. Local M.L.A.'s to be nominated by the Planning Minister. The Planning Secretary will be the Secretary of the Board.

A Social Training Centre has been set up near Shalimar gardens, where about 200, village workers including 10 Extension Block Officers of Kashmir Province are receiving training. A 100 acre model farm is being laid near the Training Centre to help trainees conduct experiments. Four of the Block Officers are receiving training in similar training in similar training centres in India.

Food

The economic crisis in the State was one of the main factors responsible for the change in the Government in August 1953. The prices of food grains had registered 500 to 600 per cent rise from 1947 onwards. The agrarian reforms satisfied neither the dispossessed landlord nor the tiller because of their defective implementation. What was given to the peasant with one hand was snatched away from him by another, through the inequitous and harsh system of food procurement or *Mujawaza*. Old anti-social elements such as *Galladars*, *Waddars*, and corrupt Government and village officials, fed fat at the cost of both of the peasant-tiller and the common consumer.

The collection of *Mujawaza* had come to be associated with barbaric and feudal practices which have no place anywhere in the present-day world. The agency of the co-operatives and the private agencies were employed for making the collections. These agencies made the producer purchase paddy on cash payment from the black market at the rate of Rs. 25/- or Rs. 30/- per *khirwar* (83 seers) to be handed over the Government at the rate of Rs. 9/-. The low procurement

price was paid in easy instalments over a period of years. As a result of this policy, the peasant had to mortgage his lands and property to raise money for purchasing paddy at black market rates to be handed over the Government. For his own requirements too he had to be at the mercy of the black marketeer.

The accounts of Mujawaza collected were not well maintained. Payments for collections were made through a number of intermediary revenue and village officials. The accounts were never complete and lakhs of rupees belonging to peasantry disappeared in the operations. The defaulter peasant had to suffer all sorts of humiliation and torture. He could not escape being manhandled and put behind bars, yet with all such atrocities perpetrated on the poor peasant to realise the target fixed by the Government, the requirements of the rationed population could never be fulfilled. In its turn, the rationed population also had to depend on the profiteer stockists. At one time rice was sold at the rate of Rs. 80/- a khirwar in the open market in the Valley of Kashmir.

Similar methods were employed for the collection of "surplus" and "khushkarid" food grains through licensed Galadars (food-grain hoarders).

The collection made under this system which had the blessings and support of the then Government, went only partly to the Government and in a large measure to "invisible" channels. The producer was fleeced in the name of the consumer, who never had his requirements fulfilled, and was consequently snacked by the Galladar in turn.

It was, therefore, with a deep realization of the distress of the people on this account that the present Government soon after the assumption of office abolished the system of Mujawaza. The consumer could not much longer be fed upon the peasant producer. Procurement on a voluntary basis was introduced and the procurement and price raised from Rs. 9/- to Rs. 10/- per khirwar.

All restrictions on the movements, sale and purchase of paddy were removed, and the ration scale in the city of Srinagar

was raised to 5 traks.

The sale rate of Jammu rice issued by the Food Control Department in Srinagar was reduced from Rs. 25/- to Rs/-8, and of wheat atta from Rs. 25/10/- to Rs. 20 per maund.

These measures have cut at the very roots of the evil practice of hoarding and profiteering in grains. The consumer whose scale of ration is increased by 25% and who now gets rations for as many members as he actually has without any difficulty, he now enough and to spare. He is no longer obliged to go to the blackmarket. Nor does the peasant suffer in any way. There is no compulsion on him to part with his grains. The needs of the consumer public having been fully satisfied, the hoarder cannot find any market for his stocks. The maximum price offered for grains is that of the Government which is also the only purchaser left in the circumstances.

This policy has :

1. rid the peasant of all the evil effects of the previous procurement system.
2. eliminated the stockist-hoarder, the galadar altogether; and
3. ensued voluntary offers of all surplus grains available with peasants to the Government .

Since the introduction of these measures, it has been found that rice and paddy are freely available in the valley at prices anywhere between the procurement and the sale price fixed by the Government.

Similarly, sale price of wheat atta and rice issued from Government Depots in Jammu City has been reduced from about Rs. 18/- to Rs. 12/8/- Restrictions on the movement within the State of pulses like Rajmash, Moongi, mash, Peas, etc, have also been removed.

The announcement of the new food policy by the Government came as a shock and a surprise. It was a challenge to the centuries-old system of procurement. With the graineries of Food Control Department empty and the crops being

damaged by floods, little did the hoarders and black-marketeers believe that the reform could be successful.

To fill the threatened vacuum in the stock of food rations, the Government of India made an emergency allotment of 7 lakhs maunds of rice. Stocks of rice started pouring in at the rail-head Pathankot towards the end of September where storage arrangements were made for 150,000 maunds. 900 vehicles were pressed into service from Pathankot onwards to Srinagar a distance of 267 miles, which cleared the entire allotment within a period of three months.

During the year 1953-54, the imports into the State of foodgrains were of the following order :

Wheat	1,63,300 mds.
Rice	4,91,522 mds.
paddy	3,58,884 mds.

The average landed cost worked out as follows :

Wheat in Jammu	Rs. 17/- per md.
Wheat in Srinagar	Rs. 21/8/- per md.
Rice in Srinagar	Rs. 25/- per md.
Paddy in Srinagar	rs. 18/- per md.

The sale price of these stuffs was fixed as under :

Atta in Jammu	Rs. 12/8/- per md.
Rice in Srinagar	Rs. 7/8/- per md.
Atta in Srinagar	Rs. 20/- per md.

In addition, the following quantities of grains were collected on voluntary basis locally :

Kashmir Province.

Paddy	2,50,42 Khirwars
Maize of different varieties.	8,026 Khirwars

Note : (Khirwar-83 seers).

Jammu province

Paddy	7,046 maunds.
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Food Rationing has now also been introduced in the towns of Baramulla Sopore, Bandipora, Bijbehara. Besides, the number of ration holders in the city at Srinagar has risen by about 25,00.

Education

Education has been made free in the entire State. Tuition fees in all Government educational institutions have been abolished. This reform when it was announced in August 1953 benefitted a student population of about 1.25 lakhs in the State and, with the opening of more educational institutions at all levels, the number of students benefitted at present is estimated to be over 1.50 lakhs. Grants-in-aids to private educational institutions had been stoppd or reduced by 25% resulting in the extinction of several private educational institutions.

The present Government has with effect from the 13th April, 1953 restored all such cuts at an anual cost of over Rs. 2,00,000/- thus benefitting 6 High Schools, 29 Middle and Primary Schools, 1 College and 8 Girls Schools.

Grants-in-aid have also been sanctioned in favour of some of the private educational institutions which did not exist before, notable amount them are the Gandhi Memorial College, Srinagar. this College now gets an aid of Rs. 15,000 per annum.

Since August 1953, therehas been an increase of over 26% in the number of educational institutions and about 30% in the budget for education the number of educational institutions having risen from 1245 to 1820 and the budget for education from 54.04 lakhs to 70.31 laks. One College, 30 High Schools, 35 middle Schools, 60 Central Schools, 331 Primary Schools and 243 Maktabas and Pathshalas having been opened afresh, there are at present 3 Degree Colleges, 2 Womens Colleges, 2 Intermediate Colleges, One Training College, one Training School, 81 High Schools, 99 Middle Schools, 110 Central Schools, 1288 Primary Schools and 243 Maktabas and Pathshalas in the State, besides a large number of aided institutions.

Special atention has been paid to the spread of female education also. The number of Colleges for girls has been raised from 1 to 2 High schools from 4 to 19, Central schools

from nil to 10 and primary schools from 176 to 209.

A large number of Multipurpose schools are planned to be set up in future.

An Education Officer has been appointed in each Tehsil for ensuring more effective and realistic inspection of primary and middle schools and to impart training to teachers in such institutions. Mobile Schools have been opened for the benefit of the children of Gujjars and Bakarawals who move from place to place.

The difficulty with regard to equipment felt by schools and colleges has now been overcome to a very large extent by the supply of apparatus worth one lakh of rupees. A sum of rupees one lakh has been provided for grant of scholarships to brilliant students.

To meet the heavy demand for science teaching in Colleges, science seats in Intermediate Classes in each Degree College for boys have been raised from 120 to 180. More posts of Professors in Geography, Political Science and Civics are being created to provide for a greater variety of combination of subjects in Intermediate and B.A. Classes.

A sum of Rs. 5 lakhs has also been provided for the construction of buildings for schools and hostels. Some of the buildings have since been completed and many are under construction.

B.T. class is being added to the existing D.T. class in Jammu and the Training School converted into a full-fledged training college.

A Committee is already at work to reorientate education at a college stage and correlate it to the needs of overall economic development of the State. The Committee is to make recommendations on the type and number of colleges to be opened together with the places of their location, keeping in view the economic and cultural needs of the people.

For meeting of the overgrowing demands of the engineering services and other beneficent departments in the matter of technically qualified personnel and to assist educated State

Subjects to acquire technical straining and higher educational sufficient funds have been provided for being given in the form of interest-free loans.

Urdu will continue to be medium of instruction in the State. But alongisde of it the regional languages like Dogri in Jammu, Bodhi in Ladakh and Kashmiri in Kashmir will be developed to their full stature for the best expression and advancement of the culture of the people of these regions. Committees have been set up to look into these questions and recommend measures for achieving the objective.

Co-education has been abolished in primary and secondary schools. Now there are separate high schools and colleges for girls both in Jammu and Srinagar.

A sum of Rs. 1 lakh has also been sanctioned for scholarships for backward communities. Sanction has been accorded to the starting of three hostels in Poonch, Rajouri and Suran. Provision has also been made for the starting of D.T. Classes for Poonch and Kargil.

Through the good offices of the Government of India, the Jammu and Kashmir State gets seats reserved for the state subjects in the various institutions in India imparting education in technical subject such as medical engineering, veterinary, agriculture etc. The policy adopted by the Government in the matter of allotment of these seats is that for some of these seats nominations are made buy the Government so as to ensure their equitable distribution among the various communities while the rest are left open for being awarded by the institutions themselves after a competitive test.

The candidates applying for admission to the various courses were interviewed to find out their personality, general intelligence and demeanour. Final selection was governed by the following considerations.

- a) Merit in the University Examination particularly F.S.c. (Medical) which chiefly counts in admission to this course.
- b) Representation of backward classes and communities.

- c) Representation of provinces.
- d) Capacity of a candidate otherwise suitable to on his own expenses whole or part in view of the limited funds available with the Government for grant of financial assistance.
- e) Proper representation to girl candidates.
- f) The impression given by a candidate in the interview.

Of the 24 seats in Medical, 10 have been allotted to girls and 14 to boys. Five out of the ten girls seats have gone to Kashmiri Muslim girls and two to Kashmiri Hindu girls. Out of the 14 seats allotted to boys, 3 have gone to Jammu Hindus, 5 to Kashmiri Muslims and one to a Sikh. For the remaining seats students have been deputed to appear in tests to be held by various institutions.

The Government hopes to get 27 seats for Engineering Degree Courses during the year 1954. The Governments have allotted 2 seats to two top candidates and one to a top Jammu Hindu candidate. Three seats have been allotted to backward classes including refugees. The remaining 20 seats have been allotted to various communities with due regard to their present representation in Engineering services.

Seats have also been secured in certain institutions in India in other technical lines, such as chemical engineering, textile technology electronics, etc. For these seats applications have been forwarded to concerned institutions for consideration on merit.

As many as 40 seats have been secured for State subjects for subordinate engineering courses, such as Diploma Engineering courses, Overseers' course and Draftsman's Course.

The 40 seats available consisted of 20 in the Diploma course, 10 in the Overseer's course and 10 in the Draftsman's course. Out of the 20 seats in the Diploma course, 9 have gone to Kashmiri Muslims, 2 to Kashmiri Hindus, 3 to Jammu Muslims, 5 to Jammu Hindus and 1 to a Jammu Sikh. Similarly 3 Kashmiri Muslims, 1 Kashmiri Hindu, 1 Jammu Muslim, 4 Jammu Hindus and 1 Jammu Sikh have been selected for the

Overseers, while 6 Kashmiri Muslims, 2 Kashmiri Hindus and 2 Jammu Hindus have been selected for the Draftsman's Course.

Again 25 seats were secured in B.Sc. Agriculture Course and 21 in B.V.Sc. (Veterinary) Course, 12 Muslims and 13 non-Muslims were selected for the B.Sc. Agriculture course and 4 Muslims (Muslims with requisite qualification being unwinning to go in for this training) and 14 non-Muslims were selected for the B.Sc. course. Candidates belonging to under represented classes were persuaded to offer for the above courses especially for Veterinary course and candidates from rural were given preference over urban candidates.

Public Health

As a result of the mass B.C.G. Vaccination Campaign launched in both the provinces with the help of UNICEF 1,95,450 persons were tested and 72,207 vaccinated in the Jammu province while 90,278 persons have been tested and 22,185 vaccinated in the Kashmir province, where the campaign is in full swing. The B.C.G. Organisation has been further strengthened.

A 21-bed T.B. Sanatorium has been established at Batote at a cost of Rs. 20,230. A deep X-Ray Plant and a Stand-by apparatus have been installed in the S.M.H.S. Hospital at a cost of over one lakh rupees.

Eleven new Ayurvedic and Unani dispensaries have been opened in the State at a cost of Rs. 33,000 and 12 more such dispensaries involving an expenditure of Rs. 40,000 are being opened. The dispensaries established at Amirakadal and Soura have proved of immense benefit to the inhabitants of these and the adjoining areas.

The Central Hospital at Srinagar and Jammu have been equipped with Blood Banks and the doctors in charge of these Banks have been trained at the Grant Medical College, Bombay.

The grant for drugs for the Central Hospitals and dispensaries in the State has been raised by 5 lakh rupees. Fees for operations in the Hospitals have been abolished.

Morning and evening teas have been introduced for the in patients in the Central Hospitals of Jammu and Srinagar. Diet scale has been increased in the case of inpatients of the Chest diseased Hospitals at and Jammu Kindergarten classes and occupational thereapy are being started in the Chest Diseases Hospitals to keep the patients busy.

Fifteen doctors were deputed for higher training in India and abroad. Some of them have returned while others are still under training. Services of two eminent doctors, one Orthopaedic Surgeon and the other T.B. Specialist, have been secured, while steps are being taken to secure service of more such doctors for the benefit of the people of the State. A nursing class has been opened in the Central Hospital, Srinagar, where provision has been made for training 8 nurses at a time.

Three Medical schemes under Community Development Projects have been sanctioned for Ladakh, Badgam (Kashmir) and Mansar (Jammu). A full-fledged dispensary has since been established at Mansar and two such dispensaries are being established in Ladakh and Badgam.

The T.B. Department at Srinagar and Jammu have been expanded at a cost of about Rs. 4,75,000, Rs. 95,000 have been sanctioned for the anti V.D. mass campaign and Rs. 98,000 for anti-malaria campaign. Constructional works involving an expenditure of about 4 lakh rupees have been taken in hand.

Mass anti-VD campaign which was launched in Bhādrawah tehsil, one of the worst affected areas in Jammu province, in June this year has met with a fair amount of success. The 3 teams that are at work in Bhales area 25 miles form Bhādrawah, where the population is reported to be cent per cent affected, have by now treated about 15,000 persons. The work in Bhādrawah tehsil which has a population of 44,000 is expected to be completed by the middle of October, 1954.

In the Jammu province VD is reported to be prevalent in the tehsils of Kishtwar, Bhādrawah, Ramban, a part of Basohli, a part of Udhampur and a part of Reasi with a total population of 5 lakhs. The Government propose to treat the entire population in the affected areas in a period of 5 years.

Industries

Though primarily agricultural the economy of Kashmir is now to a large extent dependent on non-agricultural factors, chief among them being tourism. The present Government has provided many facilities and amenities to attract more and more visitors. New roads and building are being constructed to render hitherto inaccessible areas within the easy reach of the tourist. Dak Bangalows and Rest Houses have been renovated and more tourist huts built and special improvements made in the Moghul gardens. As many as 22,346 visitors were registered by the Tourist Department upto 30th July, 1954 as against 15,333 upto the same date late year. The Visitors Bureau has licensed 300 house boats and over 20 hotels in Srinagar. Ration Cards are being issued to the tourists on their first visit to the Visitors Bureau, and all necessities of life are available to them in abundance at competitive rates. Visitors to Kashmir are being granted special facilities for travel. A tourist has now to pay only Rs. 27 for special bus fare from Pathankot to Srinagar and back instead of Rs. 40. Fare and freight rates on different routes within the State have been reduced from 20 to 50 per cent.

The State Industries Department has recently been reorganised to be well able to start various small scale local industries, and to provide employment and guidance to talented youngmen. The Industries Department has several plans in the making. It is proposed to start shortly a carpet industry with 30 looms at a cost of about Rs. 3 lakhs is estimated to produce about 12,000 namdahs a year. Three tweeds-producing centres at Sopore, Pampore and Srinagar are planned to be set up at a cost of about Rs. 3 lakhs.

Khadi production-cum-demonstration centres are being set up at Hiranagar and Samba under the All India Cottage and Village Industries Fair. These centres are estimated to provide employment to about 100 weavers and 200 spinners. A woollen Demonstration-cum-production centre is being set up at Kishtwar. Similarly a centre in Kashmir is to be established for

the production of wooden articles such as combs, cups ash trays, cigarette cases and toys. A hand made paper and card board industry will be set up at Miran Sahib. The paints and chemicals factory at Jammu is planned to be revived. A Bamboo Furniture Manufacturing Centre is being set up at Basohli. In order to provide technically skilled workers for these small scale industries, it is planned to depute about 20 to 30 workers every year to Wardha for training. A large scale tanning and leather goods industry is planned to be set up in Kashmir at a cost of nearly Rs. 10 lakhs.

A syndicate dealing with wool and pashmina has been set up at Ladakh at a cost of Rs. 5,00,000 loaned by the Government free of interest. Besides, four more small scale industries dealing with hand-loom weaving, leather tanning, soap-making and oil creasing have been set up in the area.

To maintain the flow of passenger traffic and essential goods from and to the State, the Government has organized a transport Department which today runs a fleet of 500 vehicles, and provides employment to 1500 people. Regular Bus-Services is now operating in the cities of Jammu and Srinagar. Because of the lack of railway facilities in the State, vehicular transport enjoys supreme importance among the means of communication in the State. The Transport industry in the state has registered 300 per cent expansion after the partition of the Indian Sub-continent which is obvious from the fact that the average consumption of petrol per year has increased from 6,50,000 gallons in 1946-47 to about 20,00,000 gallons in 1953-54. The Government have now reduced the rates of freight and fare varying from 20 to 50 per cent on different routes in the States.

Kashmir is famous for its arts and crafts, which have for centuries past won admirers all the world over. These include shawls, carpets, embroidered articles, papier machie, wood-carving silverware. These crafts, is estimated engage 25 per cent of the working population of Srinagar. These articles are manufactured in cottage industries. The Government has brought the artisans together through the agency of the Government

Arts Emporium and helped in the formation of their own cooperative societies. The products of the societies are being marketed by the Emporium which has about 30 branches spread all over India.

To give a further fillip to arts and crafts, an Exhibition was organized at Jammu last winter. An All India Cottage Industries Exhibition and Marketing clinic was held in Srinagar in June last. After a lapse of seven years the Government has now issued orders for the holding of the Industrial Exhibition at Srinagar which will open on the 1st of September.

The Government has now started a new factory in Pampore, 8 miles from Srinagar, which manufactures, on commercial basis finished articles from raw timber for the construction of buildings and other industrial projects. The factory also manufactures office stationery and instruments of high quality for educational institutions.

The State has already had a premier Pharmaceutical concern-The Jammu and Kashmir Drug Research Laboratory-at Jammu which meets the bulk of the drug requirements of northern India. Under the 5 year Plan for the State another Drug Factory is Proposed to be set up at Rajh Bagh, Srinagar.

Panchayats

The Panchayat Department was originally established in the State in the year 1936 and reorganised several times-last in 1951. The main function of the Department then was organizing village Panchayats for settlement of petty civil and criminal cases and of arranging small improvement works in different villages. With the transfer years past the sphere of its activities was considerably enlarged.

Prior to August 9, 1953, though the sphere of activities of the Department had considerably widened it was not able to make the Panchayats the focal points of village life as the line of approach did not undergo any material change as compared with what it used to be before the establishment of popular Government. The Panchayat the requirements of rural uplift. Accordingly, the Act was revised in 1952. The main features of

this Act were :-

1. Delegation of Municipal functions to Panchayats;
2. Introduction of Tehsil Panchayat Boards;
3. Provisions of peoples Judicial findings of the Panchayats;
4. Establishment of joint Committees to promote mutual help and cooperation in the discharge of their duties;
5. Vesting management of Plantations Minor Kuhls, roads etc, in the local Panchayats;
6. Directing of energy into Community Welfare.

The Act, however, remained inoperative. No delegation of powers or definition of authorities was made nor were any rules framed under the Act.

As a result of this policy though physical targets were achieved in some cases by resort to Hallashei system of work, or (forced labour) the sense of community interest was altogether lacking. The results produced by such forced labour did not very much help the villager economically. Hundreds of miles of jeepable roads thus constructed did not in any way help the inflow or outflow of commodities to the villages.

Soon after the formation of the present Government delegation of powers and definition of authorities were made which made it possible immediately the more beneficent provisions of the Act. Rules under the Act are now on the anvil.

It has been ordered that all the new roads that may be constructed should be fit for heavy vehicular traffic to enable movement of foods from and to the villages. All roads that have been constructed after September 1953 completely satisfy this criterion.

Another ambitious programme taken up by the previous Government was the provision of water in the Kandi areas of Jammu. The works were started but with practically no substantial results. Digging of a number of wells which began before the raids of 1947 had been suspended. The work was restarted during the previous regime. In spite of huge additional

expenditure incurred the old tale was repeated and the waterless tracts of Kandi continued to be as before.

The whole concept of the execution of development programme of the Rural Panchayat Department was authoritarian. The authority at the top decided upon the type of improvement for a particular area and imposed it upon the people. This only resulted in the people getting more and more apathetic towards any schemes of betterment.

The present Government decided not to sink any wells in upper Kandi but instead to arrange ponds and tanks in the area. Water may be carried to some areas even by trucks as the cost on these will not be as heavy as on sinking of wells which are more or less useless. In order to ascertain the desire of the people with regard to the improvement in rural areas and to associate them with the planning and execution thereof, conferences are convened from time to time of representatives of the people panchayats cooperatives prominent political workers and other interested people at central places in each tehsil. This policy has been in force right from September 1953, and will continue till the departmental machinery under the National Extension Programme starts functioning. The rights and duties of the villager and his representatives are also discussed at these conferences. Thus it is for the first time that efforts have started in the direction of planning from below.

As a result of these policies and the consequent willing cooperation of the people the Panchayat Department has been able to execute works to the tune of Rs. 500,000 during the last nine months.

Besides, as many as 1,41,000 trees have been planted by the Department after the 9th of August, 1953. Grass under various plantations is made available to peasants free of cost.

During the fiscal year 1954-55, the Department has planned to execute works to the tune of Rs. 14,00,000/-.

Public Administration

Among the pledge made by the present Government to the people was to give a clean and efficient administration. To bring the administration on a sound footing the entire Secretariat was reconstituted soon after August 9, 1953, and portfolios were reshuffled amongst the Ministers to ensure better co-ordination and harmony in the working of different Department. The people of Ladakh who so far remained cut off from the administration have been associated with it through their Sheree Kushak Bakula who has been appointed a Deputy Minister in charge of Ladakh Affairs.

All the Ministers have earmarked a day every week to meet the people and hear their petitions. The entire Cabinet and all the Heads of Departments and Secretaries sit in a conference once a week and discuss all the problems requiring urgent attention and mutual consultation.

An organisation has been set up to reconsider measures for the establishment of statutory Public Service Commission in the State. The organisation is busy with its deliberations. To introduce the uniform method of recruitment in all sorts of non-technical jobs in the non-gazetted cadre, a Board of Recruitment has been set up. The Board which consists of men of established integrity has so far registered about 1,000 candidates for different posts.

An Anti-Corruption Bill was introduced in the State Legislature in April 1954 and it is now in circulation for eliciting public opinion. It is proposed to set up an Anti-Corruption commission for deciding all cases of corrupt practices referred to this tribunal.

Irrigation, Water Supply and Flood Prevention

In January last it was decided to bring under lift irrigation an area of about 8,000 acres out of about 20,000 acres of dry land on the left bank of river Jhelum below Sangam about 20 miles from Srinagar. The Project which is estimated to cost about Rs. 16,00,000/- was started in April last and is now nearing completion. Under the Project diesel driven lift irrigation

engines have been installed at :

- 1) Padgampora,
- 2) Dogripora,
- 3) Barsu,
- 4) Lathipora and
- 5) Ladura.

Electrically driven pumps will also be installed for the pupose of lift irrigaiton at Delina. A Gravity canal at Shalteng is being constructed at cost of Rs. 7.52 lakhs.

In addition, there is a scheme for relamation of "Kah-Karishem land" at Padgampora which is proposed to be made into a State Argicultural Farm.

Tube Wells

In the Kandi areas of Jammu province it has been decided to sink tube-wells at the following places :

1. Chheni Hamet.
2. Samba
3. Bagocha Chak.
4. Jetwell
5. India.
6. Gurah Salathian
7. Udhamput.
8. Sangwal.

These wells which are estimated to cost about Rs. 44.10 lakhs are planned to be completed during the frist 5 Year Plan period.

Flood Prevention Scheme

The Government has recently undertaken a number of works necessary for flood control and drainage which involve an expenditue of Rs. 2.5 crores spread over a period of three years. These schemes have benn commended by Mr. Kanwar Sain, Chairman, Central Water Power Commission. These projects when completed will not only protect the city of Srinagar

against flood but also save approximately 45,000 to 50,000 acres of cultivated land from flood and also reclaim by silting the marshy and numbal land (about 25,000 acres) over a period of ten years.

The first phase of the project is hoped to be completed by April 1956. It involved an expenditure of about Rs. 60 lakhs for the following purposes.

1. Digging of channels from the Flood Spill channel to the Wular lake;
2. Stabilization of hill torrents in Northern Kashmir;
3. Clearance of Ningle planation;
4. Reconstrution of Baramulla Bridge and Ningle Nalla diversion.

To ensure that the work is properly plnned and executed within the time limit a Board has been set up. It consists of the Prime Minister the Finance Minister, the Deputy Planning Minister, the Joint Secretary (Ministry of States Kashmir Affairs) and the Chief Engineer, Irrigation Department.

Other Relief Measures

In order to help distressed traders to rehabilitate themselves in business, a sum of Rs. 15,00,000 was ear-marked to be allotted in the form of loans.

The following statement will show the extent of the loans already granted in various parts of the State :

<i>S. No.</i>	<i>Name if Tehsil</i>	<i>Amount Sanctioned</i>
1	Tehsil Khas	Rs.1,24,450
2	Tehsil Badgam	Rs. 26,150
3	Tehsil Ganderbal	Rs. 3,300
4	Tehsil Baramulla	Rs. 1,02,675
5	Tehsil Handwara	Rs. 19,000
6	Tehsil Sopore	Rs. 46,925
7	Tehsil Uri	Rs. 39,900
8	Tehsil Anantnag	Rs. 1,26,500

9	Tehsil Kulgam	Rs. 93,975
10	Tehsil Pulwama	Rs. 20,400
11	Kashmir Boatmen	Rs. 1,00,000
Total :		7,03,275

About Rs. 14 lakhs have been spent after the 9th of August, 1953, to ameliorate the lot of various classes of artisans and workers. Of this amount, a sum of Rs. lakhs was granted by way of subsidy to private silk weaving factories to ensure their uninterrupted working. The debts of the Co-operative Department were scaled down to the tune of Rs. 5 lakhs. The labour and low paid staff of the Sericulture and Mulberry culture departments was granted bonuses to the extent of Rs. 2.35 lakhs.

The pay scales of all Government servants have been liberally revised and enhanced. This has cost the Government about Rs. 17 lakhs for the eight months ending the fiscal year 1953-54.

Customs tariff, which yielded about Rs. 1.5 crores to the State Exchequer annually has been abolished with effect from the 1st of April 1954. Octroi duty has been considerably reduced in the case of most imported goods. The burden on the consumers has thus been considerably reduced.

Petrol has been completely rationed and road toll on vehicles plying between Jammu and Srinagar reduced by about 50%.

In Jammu the water tax has been reduced by more than 50%.

There is no restriction on the movement of food-grains.

Control has altogether been lifted on the import and sale of cloth and yarn.

Salt though imported through Government agencies can be had to any extent in the open market. It sells at Rs. 3/10- a maund at Jammu.

A Committee was set up to go into the difficulties and

problems of the Industrial labour. The Committee has submitted its report to the Government. The Industrial Disputes Act and the Trade Union Act have recently been amended to provide for better working conditions for labour. A spirit of cooperation between the employer and the employed is being fostered so that the former does not exploit the latter and both share the profits in reasonable proportions. The existing labour legislation is being examined with this objective in view. As recommended by the Labour Committee, legislation has been enacted granting 15 days leave with pay in a year to every labourers. Work has also been provided for a section of the labourers who were thrown out of employment before the 9th of August 1953.

The labour working in various Government industrial concerns has recently been granted a considerable bonus, on the principle of profit-sharing. In the Silk factories at Jammu and Srinagar and the Mulberry Culture Department alone, about 2,600 labourers have been granted amounts equal to 1/6th of their earnings during the years S. 2009 (1952-53) and 2010 (1953-54) by way of bonus which amounts to Rs. 2,50,000. Similar amounts have been granted to the labour in other industrial concerns such as the Karan Singh Woollen Mills Ltd., Raj Bagh Silk Weaving Factory, etc.

The system of Contributory Provident Fund for the labour has been introduced in all Government industrial concerns.

The Government are shortly going to undertake a survey of unemployed and under-employed persons of all urban areas to assess the magnitude of this problem. After the survey is complete, concrete proposals would be framed to combat unemployment. It is hoped that the 5—Year Plan and other schemes already launched by the Government would help solve the problem.

Rehabilitation

A scheme has been formulated for raising a colony in the outskirts of the city of Jammu for accommodating at least 4,000 families. Similar colonies are planned to be set up at Udhampur, Sunderbani, Rajouri and Nowshera. With a view to

providing better housing facilities to displaced person dispersed from the Nagrota Relief Camp, a further sum of Rs. 100 per family was provided. In addition, it has been decided to grant the following concessions.

1. Primary or Middle Schools and dispensaries will be set up in areas inhabited by refugees where such facilities are not available.
2. Where qualification and merit are equal, displaced candidates will get preference over others in the matter of recruitment to services.
3. Displaced persons will get bank deposits and such other dues payable to them by the Panchayat and Public Work Department immediately.
4. Reasonable facilities and assistance will be provided to refugee students to enable them to prosecute their studies.

Substantial concession in respect of payment of rent of houses under occupation of refugee widows, orphans and invalids have been granted.

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